



Melbourne POLICE

To: Officer Cindy Snook
From: Steve Mimbs
Chief of Police
Date: March 28, 2014
Subject: Completion of Internal Investigation IA-2013-026

The Melbourne Police Department has completed the internal investigation regarding your conduct during your contact and the arrest of a student at Palm Bay High School on November 15, 2013.

I have reviewed the investigation and find that you violated Department General Order 26.2 (Professional Conduct and Responsibilities), specifically:

26.2.23 Professional Competence - Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Personnel shall perform their duties in a manner that maintains the established standard of efficiency in carrying out the function and objectives of the Department.

Your supervisor will be issuing you counseling/retraining on this matter.

SM:mb

c: Deputy Chief Renee' Purden
Commander Sean Riordan
Sergeant Sheridan Shelley
Sergeant Scott Mostert

A copy of this notice was received by Officer Cindy Snook.

CS #3200
Officer Cindy Snook

04-02-14

Date

SGS Shelley #353
Supervisor's Signature

04-02-14

Steve Mimbs, Chief of Police

650 North Apollo Boulevard, Melbourne, Florida 32935

Internet: www.melbourneflorida.org/police • E-mail : police@melbourneflorida.org

(321) 409-3314 * Fax : (321) 242-7863

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LT. J. P. 320

Sheridan Shelley - 04/02/2014 meeting

From: Sheridan Shelley
To: Cindy Snook
Date: 4/2/2014 2:35 PM
Subject: 04/02/2014 meeting
CC: Daniel Lynch

Officer Snook-

I am sending this e-mail as a recap of the meeting that you had earlier today with myself and Lt. Lynch. There are a few things I wanted to reiterate:

- When dealing with incidents that occur at Palm Bay High School (and out on the street), assess the situation and determine what will be needed from you as a law enforcement officer. When making these assessments, always remember your resources, think of alternate approaches and don't let emotion dictate your response.
- Your function as an SRO is definitely different than that of the average patrol officer. You don't only deal with teenagers on a constant basis (which can be a tremendous challenge in itself), but you also have to work with school faculty and school policies. When working in road patrol, you would go to calls and have to determine what you had: "Is this criminal?" "Is this a civil issue?" "Is this a person in need of immediate services?" etc. You now have school policies thrown in the mix. Your appropriate response is dictated by accurately determining what kind of issue has been presented.
- As far as evidence submission, be thorough; there is no other way to say it. As a victim of a crime, I would want, and expect, the police investigator to gather all evidence against my perpetrator. If you are the victim, keep that same thought in mind.
- Remember your training and don't lose sight of officer safety.

Sergeant Sheridan Shelley #353
Administrative Sergeant
Melbourne Police Department
650 N Apollo Blvd
Melbourne, FL 32935
sshelley@melbourneflorida.org
321-608-6519

Subject: 04/02/2014 meeting
Created By: Sshelley@melbourneflorida.org
Scheduled Date:
Creation Date: 4/2/2014 2:35 PM
From: Sheridan Shelley

Recipient	Action	Date & Time	Comment
To: Cindy Snook (csnook@melbourneflorida.org)	Read	4/2/2014 2:43 PM	
CC: Daniel Lynch (Dlynch@melbourneflorida.org)	Read	4/2/2014 3:43 PM	



Please type or print in black or blue and use capital and small letters for names, titles, and address

OFFICER

1. Social Security Number: _____
2. Officer's Name: Snook Cindy
Last First MI
3. Officer's Last Known Address: [REDACTED] Melbourne FL 32935
Street City State Zip Code
4. Officer's Telephone Number: [REDACTED]

AGENCY

5. Agency ORI: FL 0050700 6. Agency Name: Melbourne Police Department
7. Agency Contact Person: Sergeant Scott Mostert 8. Agency Contact Person's Telephone Number: 321-409-3402
9. Agency Fax Number: 321-242-7863

VIOLATION - ALLEGATION

10. Nature of Allegation(s): Professional Conduct
11. Agency Disposition: Sustained – (Violation of Section 943.13(4) or (7) or Rule 11B-27.0011, F.A.C. ☐
Sustained – (Violation of Agency Policy): ☒ Not Sustained: ☐ Unfounded: ☐ Exonerated: ☐
12. Limitation Period for Disciplinary Action: Date Internal Investigation Initiated: _____ Date Internal Investigation Completed: _____

Exception to limitation period for disciplinary action: Place a check mark by the exceptions to limitations that apply

Days Told

- ☐ Written waiver of limitation by officer
- ☐ Ongoing criminal investigation or criminal prosecution
- ☐ Officer incapacitated or unavailable
- ☐ Multi-jurisdictional investigation
- ☐ Emergency or natural disaster as declared by the Governor

13. Criminal Charges Filed: None

14. Agency Disciplinary Action: None- Retraining/Counseling

15. If the allegation has been sustained and determined to be a violation of Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C., attach and forward the following documentation to the Florida Department of Law Enforcement.

- Summary of the Facts ☐ Internal Investigation Report ☐ Name and Address of Witness ☐
- Witness Statement/Disposition ☐ Certified Court Documents ☐ Other Supportive Information ☐

NOTICE: Pursuant to Section 943.1395(5), F.S., an employing agency must conduct an internal investigation when having cause to suspect that an officer it employs is not in compliance with Section 943.13(4) or (7), F.S. or Rule 11B-27.0011, F.A.C. If the investigation is sustained, the employing agency must forward a report to the Commission as specified by Rule 11B-27.003.

16. Agency administrator's signature

17. Date signed 3/31/14

Steve Mimbs, Chief of Police

18. Agency administrator's name and title



Melbourne POLICE

Received
Melbourne, FL

MAR 24 2014

Chief of Police

Internal Affairs Unit

DATE: March 24, 2014
TO: Chief of Police Steve Mimbs
FROM: Detective Sergeant Scott Mostert *SM 276*
Internal Affairs Unit
SUBJECT: Internal Affairs Investigation IA-2013-026

SUMMARY OF COMPLAINT

On November 15, 2013, at approximately 0851 hours, Officer Cindy Snook made an arrest of a student at Palm Bay High School, where she is assigned as the school resource officer. Officer Snook stopped student [REDACTED] because Ms. [REDACTED] had her ear buds from her electronic device exposed playing loud audible music. This action by Ms. [REDACTED] was in violation of the Brevard County Schools electronic device policy and if not stopped could disrupt the lawful administration and the educational environment of the school. Ms. [REDACTED] refused to go to the dean's office and when Ofc. Snook attempted to redirect the student by the wrist, a struggle ensued between Ms. [REDACTED] and Ofc. Snook. During the struggle, Ms. [REDACTED] tensed her arms and pulled away from Ofc. Snook. Ofc. Snook then turned and faced Ms. [REDACTED] but her body was blocking the security camera view of Ms. [REDACTED]. Ms. [REDACTED] took an action that resulted in her pulling away from Ofc. Snook and moving a short distance to the right in the video. Ms. [REDACTED] then physically pushed Ofc. Snook by using her hands and arms to push Ofc. Snook in the chest, causing Ofc. Snook to move backwards from the force. Ms. [REDACTED] threw her backpack on the ground, then violently flailed her body and broke free from Ofc. Snook and walked away. Ofc. Snook followed Ms. [REDACTED] and was able to restrain her into handcuffs and took her to Dean Greg Rubick's office where the video from the incident was reviewed. Ofc. Snook arrested Ms. [REDACTED] and took her to juvenile booking at the Department. Ofc. Snook did not obtain a copy of the surveillance video of the incident to place the video into property and evidence and she failed to disclose the existence of the video in any of her police reports.

WITNESS INTERVIEWS

Mr. Greg Rubick, Dean of Students Palm Bay High School

Mr. Rubick gave a sworn statement during this investigation. Mr. Rubick stated the following about the incident between Ofc. Snook and Ms. [REDACTED]:

"I was coming back from a bus duty, which is what I have in the morning. The duty that I have in the morning that I'm assigned to. She called on the walkie Mr. Rubick I need you to the east end of the tunnel area. I have a student- uh an incident with a student going on. Um I don't remember the exact words but I- of course I reported straight down to the uh- the east end of the tunnel. Uh, when I arrived at the scene she had the student against the wall, was attempting to handcuff her. Uh, at that point I did not know the details of the- you know I was just escorting- helping her escort the student...back to the Dean's Office. Uh... she then you know let me know what happened and uh I knew that we had a camera pointing in that area where she was talking about...so I came back to my office to look at the camera footage and I kind a compared that, what I saw with my own eyes, with the situation that she was describing and I went through the video over and over again. I brought Officer Snook in and then I said okay I just want a watch the video, I want you know you to tell me what happened and um... that was my- that was my involvement that day within that- with that incident."

Mr. Rubick stated the following about him not seeing the student strike Ofc. Snook during the struggle on the video:

"I- I mean she was sitting there. I mean I had it up here and I mean she is able to see it because I was watching her watching the video, watching, you know talking to her at the same time. Uh... and again I didn't really tell her what I was thinking, you know that I didn't see the- the strike, the attempted strike."

Mr. Rubick stated that there was a second incident involving Ofc. Snook where she attempted to take an electronic device from a student and the male student reacted by pulling away from Ofc. Snook. She then grabbed the student by his wrist to control him and he assisted Ofc. Snook in taking the student away and diffusing the situation. Mr. Rubick stated he talked with Ofc. Snook about how they don't put their hands on students for the electronic device policy violations. Mr. Rubick added that Ofc. Snook does a great job and that she has developed a rapport with the students.

Ms. [REDACTED]

Ms. [REDACTED] gave a sworn statement during this investigation with her mother's permission. Ms. [REDACTED] stated the following about the physical altercation with Ofc. Snook:

Q1 "Can you tell me what you remember happening from the first time that you saw Officer Snook until uh ultimately I guess she wound up arresting you so."

A1 "Okay well I was walking out of the cafeteria and all I had- I didn't have my cell phone out or nothing. I just had my headphone buds in my pocket and the cord was hanging out of my pocket a little bit."

Q1 "Okay."

A1 "And so she seen that. And she was like, put my headphones away and then I kept on walking because it's like I wasn't using them and... they weren't even- it's not a big thing really cause class just- the bell just rung and I'm going to class."

Q1 "Right."

A1 "And then so she follows me and she says put my headphones away and I look back and then she's still following me and then uh... and then she was like do I want a go to the Dean's Office and then I say go to the Dean's Office for what, for my headphones hanging out of my pocket. And she was like yes, and then I kept on walking and then she was like come here or she said something and then that's when she got in front of me when we com- going around the auditorium she got in front of me, and then she was trying to stop me, telling me to go to the Dean's Office. I said no I'm going to class, because I didn't see what I was doing wrong. I didn't do anything wrong and I just had my headphones in my pocket."

Q1 "Right."

A1 "And so she said go to the- go to the uh- go to the Dean's Office. I said no I'm going to class, and so she repeatedly said that I said no I'm going to class. So then she put her hands on me to try and like you know escort me to the Dean's Office. And I said no don't touch me. And so then she touched me again and I said no don't touch me. She tries and grabs me and I'm just trying to get her off of me. And so when I'm trying to get her off of me I just drop all my stuff and I walk way back towards the cafeteria and then that's when she follows me again. She mashes me against the wall and then I'm resisting arrest because I don't see what I did wrong, and so anyway she mashes my face against the wall. And then I just finally let her arrest me. And then that was it."

Q1 "Okay now have you ever had any interactions with Officer Snook prior to this incident?"

A1 "No, other than she would tell me to take my nose ring out."

Q1 "Okay so she's told you to take your nose ring out at school or something. How many times do you know in the past?"

A1 "About... three, three or four times maybe."

Q1 "And is that a school policy?"

A1 "Yes."

Q1 "The- the nose ring, okay. Uh... any other incident where she sent you to the Dean's Office or anything like that?"

A1 "No."

Q1 "Now when she first came up to you, you said, and she took you by the wrist, uh and you said you were trying to get her off of you."

A1 "Uh-huh"

Q1 "Uh, what do you mean by get her off of you? What- what do you remember that you did?"

A1 "I was just- I wasn't punching or swinging or nothing I was just kind of like... trying to release myself from her you know."

Q1 "Okay."

A1 "Yeah."

Q1 "Like pulling away from her grasp?"

A1 "Yeah, pulling away, yeah."

Q1 "Okay uh... and... did you ever try to punch her?"

A1 "No."

Q1 "Did you punch her?"

A1 "No."

Q1 "Did you push her?"

A1 "I probably pushed her."

Q1 "Okay. Uh... and... you weren't talking on your cell phone or listening to music or anything else like that?"

A1 "No, not at all, my headphones were- they- it was off, seriously it was off and my headphones was in my pocket. I was not on my phone or nothing. The only thing I had in my hand was my nose ring and I had my nose ring right here so it probably

seemed like I was on my phone to her, but I wasn't. Cause I know usually when I'm around her I take my nose ring out so..."

Q1 "Okay now what time does school start?"

A1 "Eight forty-five."

Q1 "Okay. So the bell had already rung and you were on your way to class I guess it's eight fifty-one. I don't know if the- our time at the police department is the same as the time at the school but uh so roughly it would be you were... you- you were suppose to not be on your cell phone at that point and time, headed to class?"

A1 "Uh-huh"

Q1 "Okay. And that's a yes?"

A1 "Yes."

INTERVIEW OF SUBJECT OFFICER

Officer Cindy Snook, Id. #3200

Ofc. Snook gave a sworn statement during this investigation after being advised of her rights provided by F.S.S. 112.532.

Ofc. Snook stated the following about the incident on November 18, 2013 involving Ms. [REDACTED]:

"...at... approximately I don't know eight fifty in the morning, it was after the bell had- the last bell had rung, which was at eight forty-five uh I observed after leaving the cafeteria area, from my morning breakfast student duty uh... I observed uh... the student who was later known to be [REDACTED] uh in the hallway with her headphones and her music heard. Uh... the bell had rung, and once the bell rings there- that's a disruption of the classroom. That's a disruption of um learning. So I instructed her to uh put away her stuff and go to the Dean's office. Uh, she refused to do that. Uh I continued to ask her to put away her things. Uh she didn't want a put away her things. She continued to walk... uh... in a easterly direction and then made a turn heading south, which turned her in front of the auditorium. Uh, I continued to- I was behind her in that- in the easterly direction speaking to her. Uh and then once she made the turn to... the southern direction in front of the auditorium uh by building nine I was able to get up to the side of her, again asking her to go to the Dean's office because she didn't want a comply with putting away her headphones. Uh and she didn't want to do what she was asked to do. Uh... so I asked her again, you know go to the Dean she said no I'm not going to the Dean's, I'm going to class. I said you need to go to the Dean's office. I'm not going to the Dean's office I'm going to class. Uh... I... numerous times asked her to go to the Dean's office; uh I was walking side by side by her side. Uh... I

had my keys and my lanyard in one hand and with the other hand I reached out and I tapped her on her wrist and I said- redirected her to go to the Dean's office. At the time she pulled back her arm and went to swing towards me that's when I grabbed her arm, I went to grab her arm and she immediately began pushing me and shoving me uh... and there was a- a struggle there. Uh I still had my lanyard in my hand and I was unable to grasp her very well. She was just wiggling away and latterly pushing me uh... to the fact that my- my microphone was hanging off. My name plate was hanging, it was holding on by one piece, uh she threw her bag down... uh... I continued to ask her... to stop. She- she didn't want a hear anything I had to say. Uh she threw her bag down at my feet and she... walked away. Uh... I continued to ask her to stop. And she did not listen. She continued to walk away u and then she went back into that... she made the left and was heading back westbound again, through the school campus. That's where I was able to catch up with her and place her in cuffs and take her into custody."

Ofc. Snook then told of what occurred when she took Ms. [REDACTED] to Dean Rubick's office. Ofc. Snook stated the following about the events inside the dean's office:

"I contacted on the radio when- during- after the struggle I contacted on the radio for assistance to Dean Rubick who would normally be at the other end of that tunnel area or at the bus loop. The bus loop is his duty in the morning. Uh... and asked for his assistance. He came uh running to my assistance. At that point I was able- I was already getting her in handcuffs when he got there. Uh and her- he and I then escorted her. I had my hand on her in an escort position escorting with the cuffs to the uh... Dean's office and placed her down in a seat in the Dean's office. Uh... and... uh... it was- it was a lot you know, it was a lot going on at that time. I ha- I was trying to put myself back together, gain my composure because I- I look like I had- I looked like I had been beat up, not with any physical you know but looking in my- I looked like I just come out of a fight. Uh and... I... contacted the Principal, advised the Principal of the situation. Uh spoke to let- you know Dean Rubick know exactly what was going on. Uh... because he didn't know what was going on. He just knew I had called for his assistance...I contacted uh... the Sergeant that was on duty for the south end and I believe it was Sergeant Hopping uh because he had just gotten back from medical, think he had his knee injury or something...and I explained to him the situation... uh... regarding battery LEO and that I really- I really- personally I didn't want a arrest this young girl, uh but that's a Felony so... uh... I would have much rathered her having some administrative consequence for her action. Uh so I spoke to him, you know... and uh he said well let me get in touch with a Watch Commander. He contacted Lieutenant Barnes is what he said and he called me back and said Lieutenant Barnes said hook her up. Uh... I did not document that I spoke to them in my report. And I didn't document it because... it's my responsibility to arrest her uh based on what happened, but I wanted... being new in the school, just to run it by someone else...and then... I contacted her mother immediately. Uh... and then she was transported to booking and then to JDC."

Ofc. Snook was then questioned about the incident video Mr. Rubick showed to her in his office. Ofc. Snook stated the following about the incident video:

Q1 "Okay. Did you see the video that we just reviewed a few minutes ago with Dean Rubick uh on the morning of the- the incident occurred, in his office?"

A1 "Um, I believe so. I believe he had it on his monitor."

Q1 "Okay, uh.."

A1 "I didn't review it with him, but I believe he had it up on his monitor."

Q1 "Did you ask him for a copy of it?"

A1 "I honestly don't remember if I asked him for a copy. Uh, usually when there's any type of incident in the school they will automatically submit- I will- I mean I could have asked him that morning. Uh... there was- there was a lot going on that morning."

Q1 "Whose responsibility is it for your case, your arrest case in obtaining all the evidence for that?"

A1 "It's mine."

Q1 "And in fact was that video ever placed into evidence?"

A1 "I did not place it into evidence and I don't know if it was placed into evidence. Uh and I honestly don't- I don't remember if I- I didn't document that I uh asked for it, but I could have- I could have very well because that is my normal case of duty to ask for... the evidence to be uh submitted."

Ofc. Snook was then questioned about her reason for putting her hands on the student, what she described as lightly tapping her wrist to redirect Ms. [REDACTED] to the dean's office. Ofc. Snook said the following about her initial physical contact with the student:

Q1 "What grounds did you use for your initial placement of your hands on the student?"

A1 "Uh when I initially placed my hands on the student that was after she raised her fist up to uh... to punch at me."

Q1 "Okay, when you said you tapped her on the wrist to direct and guide her..."

A1 "Oh, to tap her... uh... I was redirecting her to that direction, just saying, you know you need to go that direction."

Q1 "And you're aware of the school rules for use of force against students for rule violations?"

A1 "What do you mean?"

Q1 "When can teachers and staff use force on a student?"

A1 "Uh... for pr- their protection or in an emergency of... threat-"

Q1 "Alright this say- this is the corporal punishment code of by laws and policies for the Brevard County Schools. Instructional staff as well as support staff within the scope of their employment may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possessions of weapons or other dangerous objects upon or within the control of the student, in self or for the protection of persons or property. So your initial tapping on the wrist, what were your reasons for- for touching the student? What legal ground did you have to tap that student on the wrist?"

A1 "Just out of a courtesy to redirect her, I didn't grab her. Uh I didn't use any force whatsoever. It was just to get her attention to say that direction. Uh... there was- there was no grab. There was no uh forced used whatsoever."

Ofc. Snook was then questioned about Florida Statute 877.13, disrupting an educational institution. Ofc. Snook stated the loud music audible from Ms. [REDACTED]'s phone combined with her non-compliance to the officer's verbal directions to turn the device off and to go to the dean's office, gave Ofc. Snook reasonable suspicion that the crime of disrupting an educational facility was about to occur and Ofc. Snook had the right to stop Ms. [REDACTED] and demand her identity.

Ms. [REDACTED] did not stop her actions and backed away from Ofc. Snook. With Ofc. Snook's back to the stationary surveillance camera, a physical struggle ensued where it was not clear where or what Ms. [REDACTED]'s hands were doing to Ofc. Snook. The action by Ms. [REDACTED] caused her to break free from Ofc. Snook's grasp and continued walking away. Ofc. Snook re-engaged Ms. [REDACTED] attempting to gain physical control of her hands. Ms. [REDACTED] clearly uses her hands to shove Ofc. Snook backwards and turns around the opposite direction and while behind a utility pole makes a flailing action not clearly shown by the video. Ms. [REDACTED] is then able to break completely free of Ofc. Snook and walks back down the hall where they came from.

CONCLUSIONS

Based on the totality of this investigation I recommend a finding of **SUSTAINED** for Ofc. Snook based upon the following policy violation substantiated:

26.2.23 Professional Competence- Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

Personnel shall perform their duties in a manner that maintains the established standard of efficiency in carrying out the function and objectives of the Department.

REASONING:

Ofc. Snook did not clarify her reasonable suspicion that Ms. [REDACTED] was about to violate the law and disrupt the educational institution of Palm Bay High School while classes were in session. Ofc. Snook also failed to secure and review the video evidence of the incident captured by the surveillance camera. Ofc. Snook did not ensure a copy of the video was placed into property and evidence and she failed to properly disclose the existence of the video in any of the police reports she completed.


PREVIOUS INCIDENTS

None.

If you have any questions about this report please notify me and I will make myself available to discuss further.

I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in SS. 112.532 and 112.533 Florida Statutes.

Signed:


Det. Sgt. Scott Mostert

Sworn to and subscribed before me, the undersigned authority
This: 24TH Day of MARCH, 2014

Signature



Notary/Law Enforcement Officer in
Performance of Official Duties

Distribution: File

A

Melbourne Police Department

Investigations by Employee

Employee	Case #	Incident Date	Type	Status	Report #	Employee	ID	Allegation	Violation	Finding	Action Taken
Snook, Cindy - 3200											
IA-2013-009	1/30/2013	Internal Affairs Complaint	Closed	MP13-06615	Snook, Cindy	3200	26 Professional Conduct and Responsibilities	26.2.2 Conduct on and off duty	EXONERATED		
IA-2013-026	11/15/2013	Internal Affairs Complaint	Open	MP13-74207	Snook, Cindy	3200	26 Professional Conduct and Responsibilities				

View Records Where:

[(Person Type = 'Employee') AND (Employee Name = 'Snook, Cindy')]

Total: 2

B

MELBOURNE POLICE DEPARTMENT
Sworn Employee Interview; Administrative Action Applicable
****ACTIVATE TAPE RECORDER BEFORE BEGINNING INTERVIEW FORM.****

I am Sergeant Scott Mostert of the Melbourne Police Department Internal Affairs Unit.

I will be conducting the interview of Officer Snook of the Melbourne Police Department. You should be aware that at this time you are on duty. You will be paid overtime if applicable.

Present during this interview are:

1. Sgt. Mostert, Ofc. Snook, and Union Representative Mike Scudiero of the Police Benevolent Association

This interview is being conducted at the Melbourne Police Department Headquarters Building located at 650 N. Apollo Blvd., Melbourne, FL 32935.

This interview is in reference to investigation number: IA-2013-026

The date is: March 6, 2014. The time is: 12:59 PM.

PLACE EMPLOYEE UNDER OATH AT THIS POINT, AND BEGIN INTERVIEW.

In compliance with your Police Officer Bill of Rights there are certain things you should be aware of before the beginning of this interview:

1. CR The interview is being recorded.
2. CR The complaining party in this matter is: Deputy Chief Renee' Purden. The lead investigator for this investigation is Sergeant Scott Mostert of the Internal Affairs Unit.
3. CR You have the right to review the complaint package and any evidence obtained by the investigator before the beginning of this interview. Have you had the opportunity to do so before this interview?
yes. Are there any witnesses that you know of, that have not been interviewed during this investigation? no.
4. CR This complaint concerns an allegation that you violated the following Department General Orders: 1.2 Role and Authority, 26.2 Professional Conduct, and 83.1 Crime Scenes, Evidence, specifically, 1.2.3 Legal Constraints, 26.2.23 Professional Competence, 26.2.32 Omissions, 83.1.8 Initial Officer Responsibilities.
5. CR Has anyone, at any time, threatened, coerced, or promised you anything in order to induce you to make a statement now? no. If yes, who: _____. Unless waived by you there will only be one interrogator during this interview. Do you waive this right? no.
6. CR The investigation concerns administrative matters only, and cannot be used as evidence in any criminal proceedings against you except for: F.S.S. 837.02 Perjury and F.S.S. 837.06 False Official Statements.
7. CR You have a right to have counsel and / or representation of your choice present with you during this interview, or, you may waive this right. Do you waive this right? no. If not, is your chosen representative present? yes. Representatives name: Mike Scudiero, Coastal Florida PBA.
8. CR You will be asked questions specifically, directly and narrowly related to the performance of your official duties or fitness for office.
9. CR If you refuse to answer questions truthfully relating to the performance of your official duties or fitness for duty, you will be subject to Departmental discipline up to and including termination.

CR 3200 3.6.14
Signature and Date of Involved Employee

SGT. [Signature] 216 03/06/14
Signature and Date of Internal Affairs Investigator

This interview is now concluded. The time is 1:17 PM.

IA- 2013-026

Tuesday, November 26, 2013

From The Desk Of
Chief Steve Mimbs

Sgt. Mostert,

Ref: MP13-74207

I have reviewed the officer's report and the video and do not find them inconsistent. Part of the struggle is obscured by a concrete light pole.

I am concerned about the School Board policy of not touching students' and Officer Snook having previously being warned not to do it, in instances not of a criminal nature. I feel that this places uniformed officers in a school in a difficult situation. Officers can take physical action in instance not of a criminal nature, and should, if exigent circumstances exist such as medical or school safety/ security. I would like to know exactly what the School Board policy states and if it applies to an SRO. Something that appears non-criminal at first could be a safety concern or turn criminal quickly if not for touch, re-directing or guiding techniques.


I would like to know what Officer Snook was thinking when she touched this student.

I would also like to know why she did not request the video for evidence.



Melbourne POLICE

To: Sergeant Scott Mostert

From: Steve Mimbs
Chief of Police 

Date: 11/26/13

Subject: Internal Investigation Assignment

Please conduct an internal investigation concerning the attached complaint.

c: Deputy Chief Purden

Steve Mimbs, Chief of Police

650 North Apollo Boulevard, Melbourne, Florida 32935 (321) 409-3314

Internet: www.melbourneflorida.org/police • E-mail : Police@melbourneflorida.org

Fax : (321) 242-7863

An Equal Opportunity Employer

RECEIPT

This is to verify that **Officer Cindy Snook**, has received written notification in reference to the Internal Affairs Investigation: **IA-2013-026**. **This notification is in accordance with Melbourne Police Department Policy and Florida State Statute 112.532**. Please be aware that you are not to discuss the particulars of this investigation with anyone except your Union Representatives and legal counsel.

CN #3200
Employee Signature

Date: 12-19-13

SGT. [Signature] 276
Delivered By


Date: 12/19/13



Melbourne POLICE

INTERNAL AFFAIRS INVESTIGATION EMPLOYEE NOTIFICATION

To: Officer Cindy Snook

From: Renee Purden
Acting Chief of Police 

Date: December 16, 2013

Subject: Internal Investigation IA-2013-026

An internal investigation is being conducted concerning your conduct during your contact and the arrest of a student at Palm Bay High School on November 15, 2013.

Sergeant Scott Mostert will be conducting the internal investigation for the Department as a result of these incidents. If you are aware of any pertinent witnesses concerning these incidents, please inform Sergeant Mostert immediately.

The investigation will be conducted in accordance with the procedures outlined in Department General Orders. Your rights and responsibilities as an employee in this investigation are outlined in Department General Order, the "Police Officers Bill of Rights", **Florida State Statutes 112.532**, and the provisions of the current collective bargaining contract.

You are reminded that Department General Orders requires all personnel to treat information concerning complaints and investigations with the utmost confidentiality. **Therefore, you are not to have contact with the complainant or witnesses about the allegation that is the focus of this investigation.**

Renee' Purden, Deputy Chief of Police

650 North Apollo Boulevard, Melbourne, Florida 32935 (321) 409-3314

Internet: www.melbourneflorida.org/police • E-mail : Police@melbourneflorida.org

Fax : (321) 242-7863

An Equal Opportunity Employer



Melbourne POLICE

11/24/13
CHIEF MUMFESS
REQUEST FOR I.A.
R. PURDEN

To: Deputy Chief Renee Purden

From: Commander Sean Riordan

Date: November 21, 2013

Subject: Review of MP13-74207

I was made aware of an incident involving the arrest of a Palm Bay High School student by one of our officers, Officer Cindy Snook, on Monday (November 18) and the possibility of the arrest being based on questionable probable cause. I directed Lieutenant Lynch to look into the incident and provide a report to my officer regarding any possible wrongdoing or error on the part of our officer.

On November 20, 2013, I was provided a copy of Lieutenant Lynch's findings. In brief, Lieutenant Lynch believed there were some inaccuracies in the report authored by Officer Snook. Lieutenant Lynch was provided a video of the incident, by Palm Bay High School staff. The video shows the encounter Officer Snook had with the arrested party, [REDACTED]

Some of the issues with report are:

- In the video, and at the initial point of physical confrontation, [REDACTED] does not appear to have "...began to strike me" as the report indicated. The video of this portion of the report can be observed at 14 seconds and it is possible that the "strike" can be seen at 23 seconds. Regardless, it is a move by [REDACTED] to break free from the grasp of Office Snook, not an active punching style of strike as is implied.
- The report indicated that [REDACTED] "...resisted my lawful commands to stop pushing". This may be problematic since the initial contact was based on an administrative violation that would not warrant a law enforcement style response.
- The report indicated that [REDACTED] "struck me with her closed fist". The video does not represent a closed fist strike, but it is difficult to make out how [REDACTED]'s hands were formed during the struggle.
- The report indicated that [REDACTED] "...threw her black bag containing her school books and other items...at my feet and walked away". [REDACTED] did discard her backpack; however, it was not thrown at Officer Snook's feet. The backpack was clearly placed on the ground (at 34 seconds into the video) and while [REDACTED]'s back was at Officer Snook. Eventually Officer Snook had to walk over the backpack (at 36 seconds into the video).

Officer Snook was admittedly (based on her report) performing an administrative action at the time this event began. This administrative function did not permit Officer Snook to address the matter in a law enforcement style of response (eg. treating the incident as though it was a Resisting Arrest without Violence event). Officer Snook should have obtained the name of the student, reported the incident to the

school's administration and permitted the school's staff to address the policy violation of no electronic use during school hours in a manner they deemed appropriate.

The incorrect response to this incident involves a School Resource Officer's duty and responsibility to perform two functions in the course of their assignment: act as an administrator and a police officer. This is a very difficult task to balance and at times the two could become blurred. However, in October Officer Snook was warned by Palm Bay High School administrators that policy violations are not to be treated as law enforcement issues and that she is not to go "hands on" with students when they refuse to comply. This event was an obvious policy violation with an inappropriate response.

Additionally, I directed Lieutenant Lynch to contact the State Attorney's Office to discuss the incident. As a result of a conversation with Attorney JoLynn Nelson the charges needed to be dismissed. Lieutenant Lynch informed me of this information and I advised Lieutenant Lynch to make sure the process to achieve the dismissal of the charges was accomplished. As of Monday, November 18, information was provided to the State Attorney's Office to have the charges against [REDACTED] dismissed.


Regarding the content of the report, I believe the conflict and omission of information (eg. there is no mention or attempt to include the video information in the report narrative or even to request a copy from the school and then submit the video into property) deserve further review. The incident should be reviewed with the intent that discipline may result. For this purpose, I am recommending the Chief review this information for possible assignment as an Internal Affair investigation. A copy of the video will be emailed to you.



Melbourne POLICE

DATE: November 20, 2013

TO: Chief of Police Steve Mimbs
Via Chain of Command

FROM: Lieutenant Daniel Lynch 

SUBJECT: Arrest of Megan Milton by Ofc. Snook

On November 15, 2013 at approximately 0851 Ofc. Cindy Snook was on duty as the School Resource Officer at Palm Bay High School. During the course of her shift she made an arrest of a [REDACTED] for Battery on a Law Enforcement Officer and Resisting with Violence. This arrest is documented under case number MP13-74207. This memorandum is a quick overview of the facts and circumstances surrounding this arrest and investigation. The facts and circumstances used to generate this memorandum come from a review of the schools video security camera, the associated reports submitted by Ofc. Snook, and conversations with members of the schools staff.

According to the video, Ofc. Snook was walking with a female student who was apparently using her phone as a musical device. This is a not a criminal offense but rather a violation of school board policy. Ofc. Snook can be seen making motions to the student as if directing her. Ofc. Snook's report states that she was telling the student to go to the dean's office. The student refuses to go and according to the video, Ofc. Snook grabs the students hand and the student immediately pulls away. Ofc. Snook does this again and the student pulls away again. Each time the student pulls away the student puts her hand up in a manner consistent with stop. After these two incidents, Ofc. Snook steps directly in front of the student and grabs the student. A struggle ensues where you can see the student place her back pack down and makes every attempt to leave the area. The student heads back towards the cafeteria. Ofc. Snook picks up the students back pack and takes off in a slight jog to catch up. Ultimately, Ofc. Snook arrested the female for the noted charges.

Following this arrest, Ofc. Snook contacted Sgt. Hopping to let him know that she had arrested a student for battering her. Also, the principal John Thomas called Lt. Barnes to discuss this issue. During these events there were discussions about the way the situation was handled. Mr. Thomas did not feel Ofc. Snook should have made the arrest. I was not there for this conversation between Lt. Barnes and Mr. Thomas. But, I can say that I received a phone call from Mr. Thomas and Mr. Paul Fahy, Dean of Students, following the meeting requesting I contact them as the supervisor of the School Resource Officers.

650 North Apollo Boulevard, Melbourne, Florida 32935

Internet: www.melbourneflorida.org/police & **E-mail:** police@melbourneflorida.org

Phone: (321) 409-2200 Fax (321) 242-7863

On November 18 I was advised by Sgt. Sadoff that Mr. Fahy had approached him at a Palm Bay High football game over the weekend and again requested that I contact him about this incident. Also, I checked my voicemail and had two messages from Palm Bay High School and one from Shawn Humphreys of the Brevard County School Board. Finally, when I reviewed the report that morning I had numerous questions so I unapproved the report.

At approximately 0930 I made contact with Mr. Thomas, Mr. Fahy, and Mr. Rubick at Palm Bay High School. Sgt. Sheridan Shelley was also in attendance at this meeting.

The school administration expressed a severe displeasure in the way this situation was handled. They explained that in October they spoke to Ofc. Snook about going "hands on" with students and how she was only supposed to do that in situations where violence was imminent. It is clear by the video that Ofc. Snook was not threatened in any manner and it was her who escalated this event. Mr. Thomas stated he is considering removing Ofc. Snook from the school as an SRO due to this event. His main frustration is that they have spoken to Ofc. Snook in the past and it seems to be a continuing issue.

In watching the video and comparing it to the written report I feel they are two different incidents. The report plainly states things that did not happen in real life. For example, in the second paragraph of the report Ofc. Snook wrote, "...I tapped her wrist with my index finger in an attempt to redirect her towards the Deans Office. At that time she pulled her left arm back, raised her arm and began to strike me." There were no strikes. The video clearly shows that the student did not hit her. In fact, I do not see a point where the student strikes Ofc. Snook with "closed fists" as she wrote in the report. These are complete fabrications.

Another issue that is the most concerning is in relation to the video itself. According to Mr. Rubick, a dean at PBHS, he showed the video to Ofc. Snook on Friday, November 15 as they discussed the arrest. There is no mention in the report about the video. This is alarming. Ofc. Snook knew that this video was evidence that would be needed for prosecution yet there is no mention of the video in the report. Mr. Rubick also stated that Ofc. Snook never asked for a copy of the video. Now that this video has surfaced and shows a completely different set of circumstances as the written report documents the motive for not mentioning the video is suspect.

Also, I spoke with JoLynn Nelson of the State Attorney's Office. I explained the situation in its entirety. Ms. Nelson stated that the charges needed to be dismissed as they are not legitimate. I worked with Ms. Nelson to have the charges dismissed. However, the fact still remains that this 16 year old student went to the juvenile detention center.

Based on all the above mentioned issues with this situation I am asking that it be reviewed for possible discipline. If you have any questions regarding this information please let me know and I will make myself available to you.

650 North Apollo Boulevard, Melbourne, Florida 32935

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Phone: (321) 409-2200 Fax (321) 242-7863

Daniel Lynch - Fwd: Battery LEO Arrest - Palm Bay High School - MP130074207

From: Sean Riordan
To: Lynch, Daniel
Date: 11/18/2013 10:44 AM
Subject: Fwd: Battery LEO Arrest - Palm Bay High School - MP130074207
Attachments: Batt Leo Arrest MP130074207.pdf

>>> Byron Barnes 11/15/2013 7:23 PM >>>

Officer Snook called Sergeant Hopping to inform him that she had been battered by a student she was attempting to gain compliance with the school's communications device policy. The student would not relinquish the device and Officer Snook directed her to the dean's office.

Officer Snook reported that during this escort she tried to detain the student and while doing so, the student actively resisted her efforts to detain her and subsequently battered her. Officer Snook reportedly related to Sergeant Hopping that the school was not going to take any administrative action against the student because of the nature of the status of the precipitating event that led to the battery. Officer Snook arrested the student and transported her to headquarters for booking without further incident. Officer Snook did not report sustaining any injury from the incident.

I received a telephone call from the principal, John Thomas regarding the matter and I went to the school where I met with Thomas and Mr. Fahey. I explained to them that albeit Officer Snook was attempting to enforce an administrative rule, the student possessed no legal right to actively resist or batter Officer Snook. It was clear from Mr. Thomas and Mr. Fahey that Officer Snook's actions were not the will of the school. However, I continued to explain to them that the gravity of the situation necessitated the student's arrest. There is video of the incident.

Principal Thomas indicated that he would contact the state attorney's office to express his wishes about how the case should be pursued. Mr. Fahey and Mr. Thomas were appreciative of my response and I'm notifying you in the event one or both contact you about the matter in the future. Please see the attached arrest report.

Lt. Byron Barnes
Watch Commander
Day Watch Alpha
650 N. Apollo Boulevard
Melbourne, FL 32935
(321) 608-6543 Office
(321) 288-3760 Cell
(321) 242-0795 Fax

"Martyrs alert the world to the presence of evil. Warriors do something about it." -- Phil Messina

Scott Mostert - IA-2013-026

From: Scott Mostert
To: Snook, Cindy
Date: 2/4/2014 4:02 PM
Subject: IA-2013-026

I interviewed [REDACTED] in reference to the IA and she told me she knew two witnesses to her arrest that I would like to interview if we can identify them and obtain parental permission for them to speak to me. She told me a girl named [REDACTED] and a boy in 10th or 9th grade witnessed the incident. Please don't contact Ms. [REDACTED] for further information but if you can identify [REDACTED] and she can identify the boy, then we can contact the parents to see if they will allow an interview. Give me a call if you have any questions 321-[REDACTED].

Scott Mostert - Melbourne PD internal affairs investigation

From: Scott Mostert
To: Alford.Andrea@BrevardSchools.org
Date: 1/27/2014 12:31 PM
Subject: Melbourne PD internal affairs investigation

Ms. Alford,

I am currently conducting an internal affairs investigation on Melbourne police officer/school resource officer Cindy Snook arising from an arrest of a student on Palm Bay High campus on 11/15/13, Melbourne PD case report number MP13-74207. I would like a copy of any policy that covers school resource officers using touch level force on students for administrative matters, such as violating the personal electronic device policy as this case deals with. Are they taught to respond to administrative student violations the same as other civilian public school employees like administrators and teachers? I would also like a copy of the policy as it applies to the other school employees, as it was explained to me the administrators and teachers can use force to restrain a student only when there is a threat to the safety of the student or others. Chief Mimbs stated he wanted to know exactly what the school board policy states and if the policy applies to SRO's.

My cell number is (321) [REDACTED] if you want to schedule an appointment for me to meet with you or to discuss this matter with me. This investigation is active and confidential until closed for any public records requests that may be made. I will notify you when the investigation is concluded, in the unlikely event a public records request is made for this e-mail.

Thank you,

Sergeant Scott Mostert
Internal Affairs
Melbourne Police Department
650 N. Apollo Blvd.
Melbourne, Fl. 32935
(321) 608-6580
smostert@melbourneflorida.org

Sean Riordan - Fwd: Re: Arrest of [REDACTED]

From: Daniel Lynch
To: Sean Riordan
Date: 11/20/2013 3:44 PM
Subject: Fwd: Re: Arrest of [REDACTED]

FYI...

Lieutenant Daniel Lynch

Watch Commander

Dive Recovery Team Commander

Melbourne Police Department

(321) 608-6731 - Main

(321) 608-6542- Desk

(321) 525-5911- Cell

DLynch@melbourneflorida.org

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[References: Florida State Constitution I.24, Florida State Statutes Chapter 119]

>>> "Jo Lynn Nelson" <JNELSON@sa18.state.fl.us> 11/20/2013 3:41 PM >>>

It is fixed. Good luck on your end.

>>> "Daniel Lynch" <DLynch@melbourneflorida.org> 11/18/2013 11:30 AM >>>

Ms. Nelson,

Per our phone conversation, you will find the attached arrest affidavit for this juvenile.

I would like to follow the plan we discussed.

Thank you in advance.

Lieutenant Daniel Lynch

Watch Commander

Dive Recovery Team Commander

Melbourne Police Department

(321) 608-6731 - Main

(321) 608-6542- Desk

(321) 525-5911- Cell

DLynch@melbourneflorida.org

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[References: Florida State Constitution I.24, Florida State Statutes Chapter 119]

13 - 74207

OFFICE OF THE STATE ATTORNEY
PHIL ARCHER
STATE ATTORNEY
EIGHTEENTH JUDICIAL CIRCUIT

OFFICER DISPOSITION REPORT FORM

DATE: January 31, 2014

OFF CINDY SNOOK #3200
MELBOURNE POLICE DEPARTMENT
650 NORTH APOLLO BOULEVARD
MELBOURNE, FL 32935

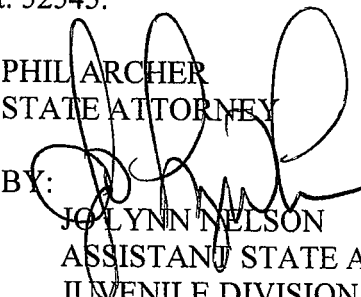
RE: State vs. [REDACTED]
Court Case No: 13-04577-CJA
Judge: ROBERT T BURGER
Date of Offense: 11/15/2013
Agency Case No: 1374207
Charge(s):
COUNT 1: BATTERY UPON A LAW ENFORCEMENT OFFICER (F3) 784.07(2)(b)
COUNT 2: RESISTING AN OFFICER WITH VIOLENCE (F3) 843.01

Disposition Date: 11/19/2013

Disposition Information: Per request of Lieutenant Daniel Lynch, prosecution is not supported by the facts. There is a video tape that he reviewed on Monday morning which is contray to what the 923 states happened. He is asking that the case be no filed as soon as possible.

If you have any further questions or comments concerning this case, please contact the undersigned attorney at (321) 617-7510 ext. 52545.

PHIL ARCHER
STATE ATTORNEY

BY: 
JO LYNN NELSON
ASSISTANT STATE ATTORNEY
JUVENILE DIVISION
2725 JUDGE FRAN JAMIESON WAY
BUILDING D
VIERA, FL 32940

Scott Mostert - electronic policy for Brevard schools

From: Scott Mostert
To: Alford.Andrea@BrevardSchools.org
Date: 3/19/2014 10:58 AM
Subject: electronic policy for Brevard schools

I would like a copy of the Brevard County Public Schools policy on electronic devices to add to my internal investigative package for the investigation on Ofc. Snook from Palm Bay High. I should have the investigation turned in for Chief Mimbs review by the end of the week and I will let you know the outcome when he decides what action to take.

Thanks always.

C

Incident Report MELBOURNE POLICE DEPARTMENT



650 North Apollo Blvd

Melbourne, FL 32935

WWW.MELBOURNEFLORIDA.ORG

13-74207
DRAFT

Supplement No
ORIG

Reported Date
11/15/2013
Nature of Call
22
Officer
SNOOK, CINDY L

Administrative Information

Agency MELBOURNE POLICE DEPARTMENT		CR No 13-74207		Supplement No ORIG		Reported Date 11/15/2013		Reported Time 08:51		Call No 133190143	
Status Arrest Report		Nature of Call DISTURBANCE		Location 101 PIRATE LN							
City Melbourne		Rep Dist 916		Area 09		Beat 09		From Date 11/15/2013		To Date 11/15/2013	
Officer 3200/SNOOK, CINDY L						From Time 08:51		To Time 11/15/2013		To Time 08:51	
Assignment SCHOOL RESOURCE OFFICER		Approving Officer		Assignment SCHOOL RESOURCE OFFICER		Entered by 3200					
Case Status CLEARED BY ARREST				Approval Date		Approval Time					
Affidavit Yes		Arrest Report Yes		Other Yes		Juvenile Yes					
# Offenses 1		Offense 784.07 (2) (B) -3		Description BATTERY ON LAW ENFOR		Complaint Type 1					
# Offenses 2		Offense 843.01		Description RESISTING OFFICER WI		Complaint Type 3					

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
ARR	1	I	[REDACTED]	[REDACTED]	B	F	[REDACTED]
PAR	1	I	MILTON, DOVIE	689265	B	F	DOB
VIC	1	I	SNOOK, CINDY	657965	W	F	DOB

Summary Narrative

Battery Law Enforcement Officer /Resisting with violence

Palm Bay High School
101 Pirate Lane

AR/affidavits/923.01

Cleared by arrest

Incident Report MELBOURNE POLICE DEPARTMENT

13-74207
DRAFT

Supplement No
ORIG

Arrestee 1:

Involvement	Arrestee	Inv No	1	Type	Individual	Name				MNI			Race	Black	
Sex	Female	DOB			Age		Juvenile?	Yes	Weight	125#	Hair Color	Brown	Eye Color	Brown	
Type	Home	Address							City	PALM BAY	State	Florida			
ZIP Code	32909														
Phone Type	Home	Phone No													
S/M/T Type	Face, nonspecific - scar						S/M/T Code	Scars							
Description	SCAR INBETWEEN EYES ABOVE NOSE														
Involvement	Arrested	Arrest Type	Arrested	Arrest Date	11/15/2013	Arrest Time	10:07:00	Booking No	13-3884	Book Date	11/15/2013	Book Time	10:35:00	Status	Booked
Dispo	TURNED OVER		Arrest Location	101 PIRATE LN						City	Melbourne	Place of Birth	Florida		
Charge	784.07 (2) (B) - 3					Level	F	Charge Literal	BATTERY ON LAW ENFOR						
Charge	843.01					Level	F	Charge Literal	RESISTING OFFICER WI						

see 923.01

Parent 1: MILTON,DOVIE

Involvement	Parent	Inv No	1	Type	Individual	Name	MILTON,DOVIE			MNI	689265	Race	Black	Sex	Female
Type	Home	Address	685 LOFFLER CIR SE						City	PALM BAY	State	Florida			
ZIP Code	32909														
Phone Type	Home	Phone No	(321) 676-8107												

Victim (Person) 1: SNOOK,CINDY

Involvement	Victim (Person)	Inv No	1	Type	Individual	Name	SNOOK,CINDY			MNI	657965									
Race	White	Sex	Female	DOB			Age		Ethnicity	Not of Hispanic origin			Juvenile?	No	Height	5'04"	Weight	133#	Hair Color	Brown
Eye Color	Brown	Skin	White																	
Type	Work/Business	Address	650 N APOLLO BLVD						City	Melbourne										
State	Florida																			
Phone Type	Cell	Phone No	(321) [REDACTED]																	

Modus Operandi

Gang Act?	No	Premise Type	School	Nbr Premises	1	Arson Inhabited?	No	Arson Attempted?	No	Victim's Race	White	Victim's Sex	Female	Victim's Age	Adult
Suspect Action	Alone														

Narrative

On November 15, 2013 at approximately 0845 hours, I, Officer Snook #3200 (vic) assigned as SRO16 School Resource Officer at Palm Bay High School located at 101 Pirate Lane.

While I was walking from the cafeteria after the last bell had rung advising class has begun and from my assigned breakfast duty, I observed a female student; [REDACTED] (arr) with her electronic device out and with loud music playing. [REDACTED] was in violation of Brevard County Schools electronics device policy. I requested she put away the devices. She refused to comply and continued to walk away. Again, I requested her to put away her electronic devices. At that time I advised [REDACTED] if she did not wish to comply she needed to respond to the Dean's Office. She stated, "No, I am not going to the Dean's Office, I am going to my class". I then advised [REDACTED] to go the Dean's Office and while walking beside her; I pointed (with my index finger and arm raised in the

Report Officer
3200/SNOOK, CINDY L

Printed At
03/24/2014 15:53

Page 2 of 3

Incident Report

MELBOURNE POLICE DEPARTMENT

13-74207
DRAFT

Supplement No
ORIG

Narrative

direction of the office) towards the direction of the Dean's Office. Again, [REDACTED] stated, "I am not going". As I walked beside her I tapped her wrist with my index finger in an attempt to redirect her towards the Dean's Office. At that time she pulled her left arm back, raised her arm and began to strike me. She stated, "leave me alone, I am not going with you".

I immediately attempted to gain control of her when she resisted my lawful commands to stop pushing. [REDACTED] spun herself around breaking my grip. I again reached out in another attempt to gain control of her and that is when she struck me with her closed fists. She threw her black bag containing her school books and other items including the electronic devices at my feet and walked away. I was able to gain control of [REDACTED]'s hands and she was taken into custody without further incident.

[REDACTED] struck me with her closed fist and pushed me against my will while I was acting as a Sworn Law Enforcement Officer in full department issued Melbourne Police Department Uniform, with my Melbourne Police Department Officer badge prominently displayed.

I made contact with [REDACTED]'s mother; Dovie Milton (par) via telephone and advised her of the altercation. While speaking with Dovie, she told me [REDACTED] has been very disrespectful at home and towards others. She advised she had just spoken with [REDACTED] regarding her actions and attitude.

No injuries were sustained from the incident.

Dovie was again contacted while in juvenile booking and advised of [REDACTED]'s transport to JDC. Dovie requested [REDACTED] call her from booking. I advised [REDACTED] her mother wished to speak with her and she stated, "I know what she is going to say, I do not want to speak with her". I contacted Dovie again to advise [REDACTED]'s wishes so she; Dovie would not worry that [REDACTED] did not call.

[REDACTED] was charged with Battery on a Law Enforcement Officer and resisting an Officer with violence. She was transported to the Melbourne Police Department juvenile booking where she was booked. Once the booking process was finished I transported her the Juvenile Detention Center and she was released into their custody.

This case is cleared by arrest. This concludes my involvement in this matter. Nothing further.

FCIC/NCIC CHECK

☒ NO ☐ARREST/NOTICE TO APPEAR
PROBABLE CAUSE AFFIDAVIT/
JUVENILE REFERRAL

1. Arrest

2. Notice to Appear

4. Complaint Affidavit

5. Request for Capias

Juvenile ☒

OBTS Number

Agency ORI Number
FL0050700Agency Name
Melbourne Police Department

Agency Report

MP130074207

Charge Type

Check as many as apply

☒ 1. Felony☒ 2. Traffic Felony☒ 3. Misdemeanor☒ 4. Traffic Misdemeanor☐ 5. Ordinance☐ 6. Other

Weapon Seized/Type

1. Yes ☒ 2. No

Agency Arrest Number

1303884

Location of Arrest (Include Name of Business)

Date of Arrest

11/15/13

Time of Arrest

10:07 am

BCSO Date

BCSO Time

Jail Date

Jail Time

Finger Printed

Identification Only

☐ AFIS

By:

Date of Offense

11/15/13

FDLE Number

DOC Number

Name (Last, First, Middle)

Alias

FBI Number

Race

B

Sex

F

Date of Birth

Height

6'3"

Weight (lbs)

125

Eye Color

BRO

Hair Color

BRO

Complexion

med

Build

med

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)

SC FACE SCARS IN BETWEEN EYES ABOVE NOSE

Local Address (Street, Apt. Number)

(City)

(State)

(Zip)

Phone

Indication

Alcohol Influence

Drug Influence

Y N U

Business Address (Name, Street) or Parent's Name if Juv.

(City)

(State)

(Zip)

Phone

Residence Type

3. Florida

4. Out of State

Y N U

Driver's License State/Number

Social Security Number

INS Number

Place of Birth

FL

Citizenship

USA

Co-Defendant Name (Last, First, Middle)

Race

Sex

Date of Birth or Age

1. Arrested

2. At Large

3. Felony

4. Misdern.

5. Juvenile

Co-Defendant Name (Last, First, Middle)

Race

Sex

Date of Birth or Age

1. Arrested

2. At Large

3. Felony

4. Misdern.

5. Juvenile

Charge Description

Activity

N

Charge Description

Activity

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Charge Description

Activity

N

NARRATIVE BEGINS ON SECOND PAGE

In accordance with F.S. 938.27, I hereby request reimbursement of investigative costs consisting of _____ hrs @ \$ _____ per hr and/or _____ miles @ _____ cents per mile for a total of \$ 1852. Affidavit enclosed Y X N

Mandatory

Appearance

In Court

Location (Court Room Number Address)

Continue for Narrative

☒ Charges ☐

Time

Month

Day

Year

☐ A.M. ☐ P.M.

I agree to appear at the time and place designated to answer the offense charged or to pay the fine subscribed. I understand that should I willfully fail to appear before the court as required by this notice to appear, that I may be held in contempt of court and a warrant for my arrest or a take into custody order shall be issued.

Signature of Defendant/Juvenile

Signature of Juv. Parent/Custodian

Release to: (Name)

Date

Time

Miranda

Warning

Hold for Other Agency

Name:

Verified By

Date

Bonding Agency

Bond #

Amount

Bond #

Amount

Returnable Court Date

Returnable Court Time

Court Location

Page 1 of 2

A.M. P.M.

Clerk 127

COURT FILE

STATE ATTORNEY

SHERIFF'S RECORDS

JAIL

LAW ENFORCEMENT

DEFENDANT'S COPY

MELBOURNE POLICE DEPARTMENT
BREVARD COUNTY, FLORIDA

NARRATIVE Continuation Page 2 of 2

AGENCY REPORT NO.
MP130074207
OBS NO.

(Last, First, Middle)

DEFENDANT/JUVENILE: [REDACTED]

On November 15, 2013 at approximately 0845 hours, I Officer Snook #3200 (vic) was struck with a closed fist and physically pushed by the defendant; [REDACTED] (arr). I was assigned as SRO16 as the School Resource Officer at Palm Bay High School located at 101 Pirate Lane.

While walking from my morning breakfast dutys in the cafeteria; I observed [REDACTED] in violaoation of school electonics policy and requested she put away her electronic devices as she had loud music playing. She refused and walked away. Again, I requested her to put away her electronic devices. At that time I requested [REDACTED] to walk to the Dean's Office and she refused, she continued to walk away from the direction of the office. I again requested she go to the Dean's office and she stated, "No, I am not going to the Dean's office, I am going to my class". I then advised [REDACTED] to go to the Dean's office and while walking beside her I pointed towards the direction of the Dean's office. Again [REDACTED] stated, "I am not going". As I was walking beside [REDACTED] I tapped her left wrist with my index finger in an attempt to redirect her towards the Dean's Office. At that time she pulled her left arm back, raised her arm and began to strike me. She stated, "leave me alone, I am not going with you".

I immediately attempted to gain control of [REDACTED] when she resisted my lawful commands to stop by pushing me. [REDACTED] spun herself around breaking my grip. I again reached out in an attempt to gain control of her and that is when she struck me. She threw her black back containing her school books at my feet and walked away. I was able to gain control of [REDACTED]s hands. She was taken into custody without further incident.

The juvenile defendant; [REDACTED] struck me with her closed fist and pushed me while I acting as a sworn Law Enforcement Officer in full department issued Melbourne Police Department Uniform, with my Melbourne Police Departement Officer badge prominently displayed.

[REDACTED]s mother; Dovie Milton (par) was contacted via telephone and advised of the situation. Once [REDACTED] was transported to MPD juvenile booking Dovie Milton was contacted again and advised to contact JDC.

No injuries were sustained from this incident.

Melbourne Police Department respectfully requests investigative cost restitution as described in F.S.S. 938.27 and 938.089 in the amount of 98.52.

[REDACTED] was subsequently charged with Battery on a Law Enforcement Officer. She was transported to Melbourne Police Deparment where she was booked and later transported to the Juvenile Detention Center.

This case is cleared by arrest.

Officer's Signature

Ch

Officer's Name PRINTED

CSNOOK

COURT FILE

STATE ATTORNEY

SHERIFF'S RECORDS

JAIL

LAW ENFORCEMENT

DEFENDANT'S COPY

Clerk 128

D

5630 - CORPORAL PUNISHMENT

Page 1 of 1

Brevard County (Florida)
Bylaws & Policies

5630 - CORPORAL PUNISHMENT

A teacher or other member of the staff shall assume such authority for the control of students who are assigned to him/her by the principal or designee and shall keep good order in the classroom. The use of corporal punishment is prohibited. Alternative disciplinary procedures, which may include timeout, peer review, or other forms of positive reinforcement should be used to bring about appropriate student classroom behavior.

Instructional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

F.S. 1003.02, 1003.32

LAW OFFICES OF
STROMIRE, BISTLINE, MINICLIER,
MCDERMOTT & GRIFFITH
AN ASSOCIATION OF PROFESSIONAL ASSOCIATIONS
1970 MICHIGAN AVENUE
BUILDING E
COCOA, FLORIDA 32922
(407) 639-0505

HAROLD T. BISTLINE, P.A.
JOSEPH E. MINICLIER, P.A.
DANIEL L. MCDERMOTT, P.A.
FRANK J. GRIFFITH, JR., P.A.
OF COUNSEL
LEON STROMIRE, P.A.
PATRICIA K. OLNEY, P.A.
LEALAND L. LOVERING, P.A.

RECEIVED

FEB 24 1996

Office of Public Safety

MAILING ADDRESS:
POST OFFICE BOX 8248
COCOA, FLORIDA 32924-8248
FAX (407) 636-1170

MEMORANDUM

TO: Jack Sidoran
FROM: Harold T. Bistline *HTB*
RE: Student Searches
DATE: February 24, 1997

Enclosed is a copy of State v. D.S., 685 So.2d 41 (Fla. 3rd DCA 1997). This case involved the legality of a student search at a public middle school in Dade County.

In reversing the trial court's suppression of marijuana as evidence in a juvenile proceeding, the Court held that searches of students on school grounds by school personnel, including school resource officers, are subject to the reasonable suspicion test instead of the higher standard of probable cause. This is new law on this subject.

The rationale the Court used was that school resource officers who are employed by district school boards are "school officials" when acting in that capacity. You may want to share this opinion with the chiefs of police of the jurisdictions that provide school resource officers in the District.

cc: Dr. David E. Sawyer
Dr. Daniel Scheuerer

AGREEMENT

THIS AGREEMENT, dated this 23rd day of July, 2013, by and between **THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA**, hereinafter called the **BOARD**, and the **CITY OF Melbourne, FLORIDA**, hereinafter called the **CITY**.

WITNESSETH:

WHEREAS, the City Council at its July 23, 2013 meeting duly approved this agreement: and,

WHEREAS, the **BOARD** at its July 23, 2013 meeting duly approved this agreement: and,

WHEREAS, the **BOARD** and the **CITY** desire to assign a school resource officer to the campus of Eau Gallie High, Melbourne High, Palm Bay High, West Shore Junior-Senior High, Johnson Middle and Stone Middle Schools, for a period of not more than 190 days during the school year and;

WHEREAS, the **BOARD** finds and determines that the School Resource Officer (SRO) program will not interfere with the schools' programs and is in the best interest of the school system and the community;

NOW, THEREFORE, for good and valuable consideration including the agreed-to charges, materials, and services outlined herein, plus the mutual covenants hereinafter set forth between the parties hereto and incorporated herein by reference, the **BOARD** and the **CITY** do hereby agree to the following terms and conditions, to wit:

1. The effective date of this SRO Program Agreement is **Monday August 12, 2013**, and will terminate on **Friday May 30, 2014** unless further continued by mutual agreement of both parties prior to that date. **Either party may terminate this agreement upon 30 days written notice** to the other party; however the 30 day written notice of the termination of a singular SRO at a school site will not affect the entire contract for all schools. Any termination of this agreement will result in the return of funds equal to the proportionate amount of time remaining in the agreement.
2. Reimbursement will be on a 190 school day basis, with the **CITY** placing six (6) full time officers in the schools on **August 12, 2013**. The reimbursement for each officer is **\$31,000** for the contract term. The schools to be served are:

Eau Gallie High School
 Melbourne High School
 Palm Bay High School
 Johnson Middle School
 Stone Middle School
 Westshore Jr/Sr School

A total of **\$186,000** will be paid by the School Board to the City of Melbourne for SRO services. This amount is exclusive of any overtime earned.

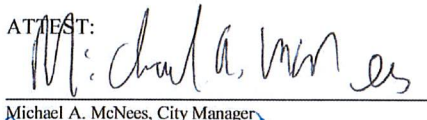
3. The **BOARD** and the **CITY** agree to indemnify and hold each other harmless and free from liability, including the officers, agents or employees of said parties while acting as such from all claims for damages and injuries and all costs, damages, expenses and attorney's fees which either party may become obligated to pay as the result of errors or any acts or omissions of employees of either party in relation to the School Resource Officer Program, to the extent permitted by Chapter 768.28 of the Florida Statutes.

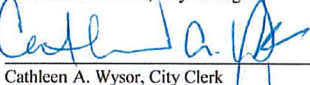
4. The **CITY** agrees that this Agreement shall not be transferred or assigned to any other agency without the written permission of the **BOARD**.
5. The **BOARD** will provide an appropriate work space on the school campus, an adequate amount of supplies and clerical support as mutually deemed necessary by the Chief of Police and the principal of the school. Payment to the **CITY** shall be made in two (2) installments, consistent with detailed documentation of hours actually worked, according to the following schedule: **December 19, 2013**, and **May 23, 2014** subject to proration in the event of termination. *All invoices should be submitted to Andrea Alford, Director of District and School Security, 2700 Judge Fran Jamieson Way, Viera, FL 32940*
6. The **CITY** agrees to the goals and guidelines stipulated in the attached Exhibits 1 and 2, which are incorporated by reference herein and made a part hereof as fully as if herein set forth.
7. The **BOARD** has designated the school principal and the **CITY** has designated the Chief of Police for the purpose of implementing the terms of this Agreement.
8. The term of this agreement shall remain in effect from **August 12, 2013** through **May 30, 2014** or until the termination as provided herein. The **BOARD** and the **CITY** will open discussions regarding renewal for the **2014-2015** school year on or before **July 1, 2014**.
9. If any of the items or provisions hereof are in conflict with any applicable statute or rule of law, then such provision shall be deemed inoperative to the extent that it may conflict therewith and shall be deemed to be modified to conform with such statute or rule of law.
10. The parties understand and agree that the School Resource Officer in rendering services provided for by this agreement is doing so as an employee of the **CITY** and not as an officer, agent or employee of the **BOARD**.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officers and agents the day and year first written above.

CITY OF Melbourne, FLORIDA

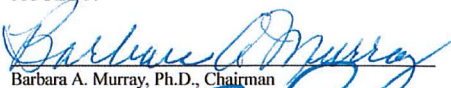
ATTEST:


Michael A. McNees, City Manager


Cathleen A. Wysor, City Clerk

**THE SCHOOL BOARD OF BREVARD
COUNTY, FLORIDA**

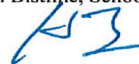
ATTEST:


Barbara A. Murray, Ph.D., Chairman


Brian T. Binggeli, Ed.D., Superintendent

APPROVED AS TO FORM BY:

Harold T. Bistline, School Board Attorney



Attachments:
Exhibit 1
Exhibit 2

EXHIBIT I
SCHOOL RESOURCE OFFICER PROGRAM
GOALS

1. To identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.
2. To foster a better understanding of the law enforcement function.
3. To develop positive concepts of law enforcement.
4. To develop a better appreciation of citizens rights, obligations, and responsibilities.
5. To provide information about crime prevention.
6. To provide assistance and support for crime victims identified within the school setting, including abused children.
7. To promote positive relations between students and law enforcement officers.
8. To enhance knowledge of the fundamental concepts and structure of the law.
9. To annually evaluate the effectiveness of the program based on input from students, parents, the school staff, and the community, and submit a written report to the principal.
10. To provide materials and consultative assistance to teachers and parents on various law education topics.

EXHIBIT II
SCHOOL RESOURCE OFFICER PROGRAM
GUIDELINES
BREVARD COUNTY SCHOOL SYSTEM

1. The school resource officer (SRO) is a City of **Melbourne** police officer, responsive to the Chief of Police's chain of command and shall remain an employee of the City of **Melbourne**. They shall report to the school Principal daily and the Principal shall have input in their evaluation.
2. The SRO shall be interviewed by a committee in which the Principal or their designee is a participant. The final selection is by the Chief of Police with mutual consideration on the part of the Principal.
3. The determination as to when the SRO will wear their uniform shall be defined by the Chief of Police and the Principal.
4. The Principal has the authority to request the reassignment of the school resource officer from their duties at school. The SRO may be reassigned from their position at their assigned school after reasonable review and conferencing between the SRO and the Principal has occurred. The following procedures must be followed:
 - A. The Principal will recommend to the **Director of District and School Security** that the SRO be removed from the program at their school, stating the reasons for the recommendation in writing. A copy of that recommendation must be provided to the **Director of District and School Security** and the Chief of Police or designee.
 - B. Within a reasonable period of time after receiving the recommendation to remove an SRO, the **Director of District and School Security**, will meet with the Chief, or his designee to mediate or resolve any problem that may exist between the SRO and the staff at their assigned school.
 1. With the agreement of the **Director of District and School Security** and the Chief, or their designees, the SRO, or specified members of the staff from the school, may be required to be present at the mediation meeting.
 2. If, within a reasonable amount of time after commencement of mediation, the problem cannot be resolved or mediated, in the opinion of both the Superintendent and Chief, or their designees, then the SRO will be reassigned from the program at that school and a replacement will be selected.

- C. The Principal or any other school board employee shall report all allegations of improper conduct to the SRO's immediate supervisor or to the Internal Affairs function. School Board employees shall not conduct an internal investigation of alleged improper conduct on the part of the SRO. However, the Principal may request reassignment during that investigation.
5. The SRO has the authority to request review of contract provisions after reasonable review and conferencing between the SRO and the Principal has occurred. The following procedures must be followed:
- A. The SRO will request that a review of the contract provisions be completed stating the reasons for the request in writing. That request should be directed to the SRO's immediate supervisor and the Principal. A copy of that request must also be provided to the Superintendent and the Chief of Police.
 - B. Within a reasonable period of time after receiving the request for review from the SRO, the Superintendent, or designee, will meet with the Chief, or his designee to mediate or resolve any contract provision concerns that may exist between the SRO and the staff at their assigned school.
 - 1. With the agreement of the Superintendent and the Chief, or their designees, the SRO, or specified members of the staff from the school, may be required to be present at the mediation meeting.
 - 2. If, within a reasonable amount of time after commencement of mediation, the contract provision concerns cannot be resolved or mediated, in the opinion of both the Superintendent and Chief, or their designees, then an alternative action will be taken.
6. It shall be the responsibility of the City of **Melbourne** to provide all salary payments and benefits of the agency to the SRO. The School Board shall reimburse the City for the SRO based upon the amount stipulated in the agreement. If a substitute officer is required, the School Board shall reimburse the city for actual cost for that substitute officer consistent with the agreement.
7. The SRO's normal work year shall be the same as the normal teacher work year with an additional alternative for five days of planning prior to the teacher work year and five days of critique and review following the teacher work year.
8. A formal written plan of action with regard to the community policing philosophies will be presented and discussed with the Principal, Chief of Police, SRO and other appropriate personnel prior to the first day students arrive. This plan must include duties for the five days prior and five days after teachers are on campus if that alternative option is selected, as well as the number of hours that the SRO will provide in classroom instruction.
9. The SRO, Principals, Area Superintendents, and Chief of Police will meet to review the plan of action and provide summary evaluation concerning the SRO's progress not less than one time per semester. Additional meetings may be requested by the Principal or the SRO to review the progress of the plan of action.

10. The SRO shall be assigned specifically to the school, five days per week during the school year. Unless it's an extreme emergency, the SRO will not be called away from school by the law enforcement agency. If the SRO is called away from the school for a substantial portion of the school day, the SRO shall notify the Principal and provide the Principal with an alternative means of contacting the appropriate law enforcement agency. If the SRO is called away from the school for more than a school day, the city should make every reasonable effort to provide a substitute officer.
11. The SRO may be assigned to provide supplemental instructions at the discretion of the Principal, as qualified. The Attorney General's (SRO training) philosophy with regard to in-class SRO presentations will be used as a guide.
12. At the request of the Principal, the SRO may train school personnel in interview techniques, investigation skills and related matters. It is preferred that the school resource officer make parent contact prior to participating in a student disciplinary meeting. The SRO may engage a student for the purpose of completing a Referral Form.
13. The Principal may adjust an SRO's schedule and assign the SRO to duties after regular school hours, such as sponsoring extracurricular events, chaperoning field trips, or other school activities, so long as they do not conflict with police department policy, the bargaining agreement between the city and police officers, or result in overtime expenses charged to the police department or the District. These after-school activities will be under the supervision of school personnel. The District will not compensate the SRO in an overtime capacity. (This does not include activities such as football games, basketball games, and school dances for which a separate contract of service is required).
14. If the SRO witnesses an unacceptable activity on campus, they will report the incident to the school administration and police department. Both police and school administrative procedures shall be followed. In the event they conflict, police procedure shall prevail. The SRO shall avoid making arrests on school grounds unless under exigent circumstances. If arrest is necessary, the SRO will be called to execute proper police procedure. The SRO should coordinate arrest and other operational strategies with the Principal if at all possible.
15. The Principal, with the concurrence of the law enforcement agency, may assign the SRO to sponsor extracurricular events and chaperone field trips or other school activities so long as these assignments do not result in non-approved overtime expenses charged to the police department.
16. The SRO will integrate with students in the following ways: between class breaks and during lunch periods, and will patrol neighborhood areas after school if necessary.
17. The SRO is encouraged to attend parent, faculty, and staff meetings, as staff support personnel, to solicit their support and understanding of the program.
18. The SRO should be familiar with all community agencies which offer assistance to delinquent youths, such as: mental health clinics, drug treatment centers, etc., making referrals when necessary and acting as a resource person to the Principal.
19. At the request of the Principal or other school staff, the SRO shall take appropriate action against individual trespassers who appear at school and at school related functions.

20. Should it become necessary to conduct formal police interviews with students, law enforcement policy will be followed, parents shall be notified and coordination made with the Principal.
21. The SRO shall submit bimonthly reports of activities to be reviewed by the Principal and SRO command staff. Overtime shall be approved in advance by the agency supervisor. Overtime shall be borne by the agency and NOT the District.
22. At any time during the school year when students are not in school, or at the conclusion of the contract period, the SRO shall be assigned other duties by the Chief of Police.
23. The SRO shall comply with the provisions specified in Section Florida Statute 1006.12 (School Resource Officer Program).

Select Year: 2013

The 2013 Florida Statutes

[Title XLVI](#)
CRIMES[Chapter 877](#)
MISCELLANEOUS CRIMES[View Entire Chapter](#)

877.13 Educational institutions or school boards; penalty for disruption.—

(1) It is unlawful for any person:

(a) Knowingly to disrupt or interfere with the lawful administration or functions of any educational institution, school board, or activity on school board property in this state.

(b) Knowingly to advise, counsel, or instruct any school pupil or school employee to disrupt any school or school board function, activity on school board property, or classroom.

(c) Knowingly to interfere with the attendance of any other school pupil or school employee in a school or classroom.

(d) To conspire to riot or to engage in any school campus or school function disruption or disturbance which interferes with the educational processes or with the orderly conduct of a school campus, school, or school board function or activity on school board property.

(2) This section shall apply to all educational institutions, school boards, and functions or activities on school board property; however, nothing herein shall deny public employees the opportunity to exercise their rights pursuant to part II of chapter 447.

(3) Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 1, ch. 69-274; s. 1158, ch. 71-136; s. 1, ch. 73-177; s. 1, ch. 87-277.

Select Year: 2013

The 2013 Florida Statutes

[Title XLVIII](#)
K-20 EDUCATION CODE

[Chapter 1003](#)
PUBLIC K-12 EDUCATION

[View Entire Chapter](#)

1003.32 Authority of teacher; responsibility for control of students; district school board and principal duties.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) In accordance with this section and within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom:

- (a) Establish classroom rules of conduct.
- (b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules.
- (c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.
- (d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district school board personnel.
- (e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.
- (f) Request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.
- (g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
- (h) Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
- (i) Press charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.
- (j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.
- (k) Use corporal punishment according to school board policy and at least the following procedures, if a teacher feels that corporal punishment is necessary:
 - 1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. The principal shall prepare guidelines for administering such punishment which identify the types of punishable offenses, the

conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment.

2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.

3. A teacher or principal who has administered punishment shall, upon request, provide the student's parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

(2) Teachers and other instructional personnel shall:

(a) Set and enforce reasonable classroom rules that treat all students equitably.

(b) Seek professional development to improve classroom management skills when data show that they are not effective in handling minor classroom disruptions.

(c) Maintain an orderly and disciplined classroom with a positive and effective learning environment that maximizes learning and minimizes disruption.

(d) Work with parents and other school personnel to solve discipline problems in their classrooms.

(3) A teacher may send a student to the principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07. The principal shall respond by employing the teacher's recommended consequence or a more serious disciplinary action if the student's history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action.

(4) A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Each district school board, each district school superintendent, and each school principal shall support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

(6)(a) Each school shall establish a placement review committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. A school principal must notify each teacher in that school about the availability, the procedures, and the criteria for the placement review committee as outlined in this section.

(b) The principal must report on a quarterly basis to the district school superintendent and district school board each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and the superintendent must annually report these data to the department.

(c) The Commissioner of Education shall annually review each school district's compliance with this section, and success in achieving orderly classrooms, and shall use all appropriate enforcement actions

up to and including the withholding of disbursements from the Educational Enhancement Trust Fund until full compliance is verified.

(d) Placement review committee membership must include at least the following:

1. Two teachers, one selected by the school's faculty and one selected by the teacher who has removed the student.
2. One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom. If the placement review committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the committee's decision to the district school superintendent.

(7) Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete professional development to improve classroom management skills.

(8) Each teacher or other member of the staff of any school who knows or has reason to suspect that any person has committed, or has made a credible threat to commit, a crime of violence on school property shall report such knowledge or suspicion in accordance with the provisions of s. 1006.13. Each district school superintendent and each school principal shall fully support good faith reporting in accordance with the provisions of this subsection and s. 1006.13. Any person who makes a report required by this subsection in good faith shall be immune from civil or criminal liability for making the report.

(9) When knowledgeable of the likely risk of physical violence in the schools, the district school board shall take reasonable steps to ensure that teachers, other school staff, and students are not at undue risk of violence or harm.

History.—s. 127, ch. 2002-387; s. 36, ch. 2003-391.

Select Year: 2013

The 2013 Florida Statutes

[Title XLVIII](#)
K-20 EDUCATION CODE

[Chapter 1006](#)
SUPPORT FOR LEARNING

[View Entire Chapter](#)

1006.12 School resource officers and school safety officers.—

(1) District school boards may establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2)(a) School safety officers shall be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with the provisions of that chapter.

(b) A district school board may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.

(c) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

(d) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

History.—s. 282, ch. 2002-387.

E

1 TRANSCRIBED INTERVIEW OF
2 GREG RUBICK
3
4

5 Date of Interview: January 27, 2014
6

7 Interviewer: Sergeant Scott Mostert (Q1)
8

9 Interviewee: Greg Rubick (A1)
10

11 Investigation Number: IA 2013-026
12
13

14 Q1 Today is Monday, January twenty-seven, two thousand fourteen. It's
15 approximately ten forty-three a.m. I'm Sergeant Scott Mostert of the Melbourne Police
16 Department Internal Affairs Unit. I'll be conducting the interview of Mr. Rubick. What's
17 your first name Mr. Ru- Mr.
18

19 A1 Greg.
20

21 Q1 Mr. Greg Rubick a Dean at Palm Bay High School. This is in reference to Internal
22 Affairs investigation IA-2013-026. Mr. Rubick I'm gonna put the recorder there. Can I
23 get you to raise your right hand for me? Do you solemnly swear the statement you're
24 about to give will be the truth, the whole truth, and nothing but the truth so help you
25 God?
26

27 A1 I swear.
28

29 Q1 Mr. Rubick on November eighteenth there was an incident on the campus here
30 involving the school resource officer, Officer Snook uh where she made an arrest of a
31 student that was on a cell phone that evidently wouldn't put the cell phone down or
32 something like that.
33

34 A1 Correct.
35

36 Q1 Are you familiar with that situation?
37

38 A1 Yes sir.
39

40 Q1 Uh... tell me first of all what involvement you had with that situation and
41 subsequently there was some video that was captured of the incident here on campus and
42 then of a possible previous incident with another student involving electronic device and
43 Officer Snook.
44

45 A1 Uh, well the incident we're talking about now, I was coming back from a bus
46 duty, which is what I have in the morning. The duty that I have in the morning that I'm

1 assigned to. She called on the walkie Mr. Rubick I need you to the east end of the tunnel
2 area. I have a student- uh an incident with a student going on. Um I don't remember the
3 exact words but I- of course I reported straight down to the uh- the east end of the tunnel.
4 Uh, when I arrived at the scene she had the student against the wall, was attempting to
5 handcuff her. Uh, at that point I did not know the details of the- you know I was just
6 escorting- helping her escort the student-

7
8 Q1 Right.

9
10 A1 -back to the Dean's Office. Uh... she then you know let me know what happened
11 and uh I knew that we had a camera pointing in that area where she was talking about.

12
13 Q1 Okay.

14
15 A1 So I came back to my office to look at the camera footage and I kind a compared
16 that, what I saw with my own eyes, with the situation that she was describing and I went
17 through the video over and over again. I brought Officer Snook in and then I said okay I
18 just want a watch the video, I want you know you to tell me what happened and um...
19 that was my- that was my involvement that day within that- with that incident.

20
21 Q1 And did Officer Sn- Snook ask you if- if you could burn a copy of that video or
22 email her a copy of that video?

23
24 A1 She did not.

25
26 Q1 -or anything like that? Uh... subsequently at some point and time we did get a
27 copy of the video-

28
29 A1 Yes.

30
31 Q1 -at the police department. Did you meet with uh her supervisor or something like
32 that?

33
34 A1 That is correct. He came to the front office, uh Mr. Thomas's office. Uh, Mr.
35 Thomas called me up there he said is there any way you can copy that onto a you know a
36 disc, a go disc, disc drive and I said I shou- you know yeah I can.

37
38 Q1 Okay.

39
40 A1 And uh I came into my office, saved that footage and returned it to the officer and
41 that was it.

42
43 Q1 Okay. But Officer Snook was aware that the video existed. As a matter a fact she
44 sat-

45
46 A1 Yes.

1 Q1 -here in the office-

2
3 A1 Yes.

4
5 Q1 -with you on the day of the incident?

6
7 A1 Yes, yes sir.

8
9 Q1 And- and did she actually review that video and see it herself?

10
11 A1 I- I mean she was sitting there. I mean I had it up here and I mean she is able to
12 see it because I was watching her watching the video, watching, you know talking to her
13 at the same time. Uh... and again I didn't really tell her what I was thinking, you know
14 that I didn't see the- the strike, the attempted strike.

15
16 Q1 Correct.

17
18 A1 Uh, but yes it's- you know I had it posted up and you know.

19
20 Q1 She didn't ask to view the video or stop the video-

21
22 A1 Not that- no not that day, not that I remember.

23
24 Q1 Okay.

25
26 A1 No sir.

27
28 Q1 Okay now tell me about an incident involving Officer Snook and a- and another
29 student where you had a conversation afterwards with Officer Snook about her taking
30 electronic devices or putting her hands on students for electronic devices?

31
32 A1 Yeah there was an incident with- with a student walking in the cafeteria in the
33 doorway he had his uh cell phone out and listening to music. Uh, she asked him you
34 know you got a turn over the electronic. He refused. She... reached for it, uh he you
35 know snatched it back. I believe that- at that point she reached for his wrist and said come
36 on we're going to the Dean's. He said no. And then that's when he snatched his hand
37 back. Uh and at that point we had to take the student away from that situation and defuse
38 him.

39
40 Q1 Okay.

41
42 A1 Uh and then it was that day, it could a been the day after, uh don't remember you
43 know the- the time frame in which I spoke to her, but I said generally you know we don't
44 put our hands on a student for electronic device. Uh, especially that particular student uh
45 cause he will react like that.

46

1 Q1 Special needs student-
2
3 A1 Right, right.
4
5 Q1 - or something like that?
6
7 A1 Right, right, right, uh and you know she understood.
8
9 Q1 Okay.
10
11 A1 Yeah.
12
13 Q1 Uh, and do you know if there's any policy specifically with the school board
14 dealing with school resource officers and putting their hands on students for
15 administrative type issues uh or non criminal or non fighting type issues like electronic
16 devices or chewing gun or anything-
17
18 A1 Right.
19
20 Q1 -else. Are you aware-
21
22 A1 Uh I'm not aware. I- it is my understanding they fell under the same jurisdiction
23 as us. I mean if the student is putting themselves at harm, other students, or faculty
24 members, personnel, then that's when we you know have to restrain the student-
25
26 Q1 Correct.
27
28 A1 -you know however you want a put it, uh but that- you know that- that was just
29 my I guess assumption, understanding.
30
31 Q1 Okay is there anything else that you can think of involving either- either of these
32 two incidents and Officer Snook that we haven't discussed that you think is important for
33 me for this investigation?
34
35 A1 I- I mean I just want a add that you know Officer Snook does a great job, she's
36 very proactive, uh we love having her here uh I think... I'm in a meeting (background)
37
38 Q1 Anyways you said that she- she's been performing, uh doing a good job-
39
40 A1 Very proactive, talks to the students (overlapping)
41
42 Q1 No other incidents involving?
43
44 A1 Not at all. She's very- yes, very great with the kids. Talks with the kids, you know
45 develops a rapport with them. Yep.
46

1 Q1 Alright. The time is now approximately ten forty-nine a.m. and that will conclude
2 this interview thank you Mr. Rubick.
3
4 A1 Oh no problem.
5
6 END OF INTERIVEW

F

1 TRANSCRIBED INTERVIEW OF
2 [REDACTED]
3
4

5 Date of Interview: January 28, 2014
6

7 Interviewer: Sergeant Scott Mostert (Q1)
8

9 Interviewee: [REDACTED] (A1)
10

11 Investigation Number: IA 2013-026
12
13

14 Q1 Today is Tuesday, January twenty-eight, two thousand fourteen. It's
15 approximately five fourteen p.m. I'm Sergeant Scott Mostert of the Melbourne Police
16 Department Internal Affairs Unit. I'll be conducting the interview of [REDACTED] This
17 is in reference to Internal Affairs investigation IA-2013-026. And I'm gonna set this over
18 here by you [REDACTED], can I get you to raise your right hand for me? Do you
19 solemnly swear the statement you're about to give will be the truth, the whole truth, and
20 nothing but the truth so help you God?
21

22 A1 Yes.
23

24 Q1 Alright [REDACTED] on... November fifteen, two thousand thirteen at about eight fifty-
25 one in the morning uh Officer Cindy Snook from the Melbourne Police Department uh
26 w- had an- tried to stop you or something at Palm Bay High uh for some electronics
27 device or something that you had in the hallway or something like that. Do you- do you
28 remember this incident?
29

30 A1 Yes.
31

32 Q1 Can you tell me what you remember happening from the first time that you saw
33 Officer Snook until uh ultimately I guess she wound up arresting you so.
34

35 A1 Okay well I was walking out of the cafeteria and all I had- I didn't have my cell
36 phone out or nothing. I just had my headphone buds in my pocket and the cord was
37 hanging out of my pocket a little bit.
38

39 Q1 Okay.
40

41 A1 And so she seen that. And she was like, put my headphones away and then I kept
42 on walking because it's like I wasn't using them and... they weren't even- it's not a big
43 thing really cause class just- the bell just rung and I'm going to class.
44

45 Q1 Right.
46

1 A1 And then so she follows me and she says put my headphones away and I look
2 back and then she's still following me and then uh... and then she was like do I want a go
3 to the Dean's Office and then I say go to the Dean's Office for what, for my headphones
4 hanging out of my pocket. And she was like yes, and then I kept on walking and then she
5 was like come here or she said something and then that's when she got in front of me
6 when we com- going around the auditorium she got in front of me, and then she was
7 trying to stop me, telling me to go to the Dean's Office. I said no I'm going to class,
8 because I didn't see what I was doing wrong. I didn't do anything wrong and I just had
9 my headphones in my pocket.

10
11 Q1 Right.

12
13 A1 And so she said go to the- go to the uh- go to the Dean's Office. I said no I'm
14 going to class, and so she repeatedly said that I said no I'm going to class. So then she put
15 her hands on me to try and like you know escort me to the Dean's Office. And I said no
16 don't touch me. And so then she touched me again and I said no don't touch me. She tries
17 and grabs me and I'm just trying to get her off of me. And so when I'm trying to get her
18 off of me I just drop all my stuff and I walk way back towards the cafeteria and then
19 that's when she follows me again. She mashes me against the wall and then I'm resisting
20 arrest because I don't see what I did wrong, and so anyway she mashes my face against
21 the wall. And then I just finally let her arrest me. And then that was it.

22
23 Q1 Okay now have you ever had any interactions with Officer Snook prior to this
24 incident?

25
26 A1 No, other than she would tell me to take my nose ring out.

27
28 Q1 Okay so she's told you to take your nose ring out at school or something. How
29 many times do you know in the past?

30
31 A1 About... three, three or four times maybe.

32
33 Q1 And is that a school policy?

34
35 A1 Yes.

36
37 Q1 The- the nose ring, okay. Uh... any other incident where she sent you to the
38 Dean's Office or anything like that?

39
40 A1 No.

41
42 Q1 Now when she first came up to you, you said, and she took you by the wrist, uh
43 and you said you were trying to get her off of you.

44
45 A1 Uh-huh

1 Q1 Uh, what do you mean by get her off of you? What- what do you remember that
2 you did?
3
4 A1 I was just- I wasn't punching or swinging or nothing I was just kind of like...
5 trying to release myself from her you know.
6
7 Q1 Okay.
8
9 A1 Yeah.
10
11 Q1 Like pulling away from her grasp?
12
13 A1 Yeah, pulling away, yeah.
14
15 Q1 Okay uh... and... did you ever try to punch her?
16
17 A1 No.
18
19 Q1 Did you punch her?
20
21 A1 No.
22
23 Q1 Did you push her?
24
25 A1 I probably pushed her.
26
27 Q1 Okay. Uh... and... you weren't talking on your cell phone or listening to music or
28 anything else like that?
29
30 A1 No, not at all, my headphones were- they- it was off, seriously it was off and my
31 headphones was in my pocket. I was not on my phone or nothing. The only thing I had in
32 my hand was my nose ring and I had my nose ring right here so it probably seemed like I
33 was on my phone to her, but I wasn't. Cause I know usually when I'm around her I take
34 my nose ring out so-
35
36 Q1 Okay and then you put it back in whenever she's gone?
37
38 A1 Yes.
39
40 Q1 Okay.
41
42 A1 So-
43
44 Q1 Do any other teachers make you take the nose ring out?
45

1 A1 No. It's only her that has the- it's only her that tells people to take their nose ring
2 out and stuff like that. Other than that the Dean's and everything they don't- they don't
3 pay no attention.
4
5 Q1 Okay.
6
7 A1 I walk right past the Dean and he sees my nose ring.
8
9 Q1 Okay, uh... and... what is- what's the school electronics policy on having the cell
10 phone or your ear buds or anything like that out or uh... explain to me is it- is it against
11 the rules to have the headphones hanging out of your pocket or ...
12
13 A1 Um I'm not sure, but she's the only one that makes it a big deal. Other than that
14 every other teacher, like people would have their headphones on their-
15
16 Q1 Around their neck.
17
18 A1 Yeah around their neck and you know no Dean or anything would say anything
19 about it, but she's the only one that really you know makes it a big deal. And with the cell
20 phones we're allowed to have our cell phones out you know um at the beginning of class
21 like when you come in from-
22
23 Q1 Right.
24
25 A1 -the buses.
26
27 Q1 Like to patio time or something like that.
28
29 A1 Yeah, yeah. And then when the bell rings you know we have to put them away
30 and stuff like that, but during lunch time we use our phones and the Dean's don't really
31 say nothing.
32
33 Q1 Okay now what time does school start?
34
35 A1 Eight forty-five.
36
37 Q1 Okay. So the bell had already rung and you were on your way to class I guess it's
38 eight fifty-one. I don't know if the- our time at the police department is the same as the
39 time at the school but uh so roughly it would be you were... you- you were suppose to
40 not be on your cell phone at that point and time, headed to class?
41
42 A1 Uh-huh
43
44 Q1 Okay. And that's a yes?
45
46 A1 Yes.

1 Q1 Okay. Uh... Did you throw your bag at the officer or anything like that?
2
3 A1 No I didn't throw my bag. When she was like trying to grab me and stuff like that
4 I dropped my bag. And I walked away.
5
6 Q1 Okay.
7
8 A1 The opposite direction. And then that's when she came after me with my bag, she
9 was holding my bag and everything.
10
11 Q1 Okay and did you know that there was some video of the incident?
12
13 A1 Yes I knew.
14
15 Q1 Did you see that video?
16
17 A1 No they wouldn't let me see it.
18
19 Q1 Okay. Um... was there anybody else with you, cause I've seen the video and
20 where the portion that I've seen it's just you and the officer so were there any other
21 witnesses that- that you saw?
22
23 A1 Yes there was... there was a this one girl named [REDACTED] and then there was this other
24 boy. I don't know his name but I know him when I see him.
25
26 Q1 Okay. Where were- how far away were they? And where were they standing or
27 where were they going?
28
29 A1 They weren't too far. They- they pretty much saw the whole thing except for
30 when I- they didn't see when I walked away. But the other boy seen- he seen the whole
31 thing.
32
33 Q1 Like from where she grabbed you, is that where you're talking about?
34
35 A1 Yeah.
36
37 Q1 Okay. And the girls name is [REDACTED] you think or the guys name?
38
39 A1 The girls name is [REDACTED] I don't know if that's her real name but I know-
40
41 Q1 Do you know what grade she's in?
42
43 A1 Eleventh.
44
45 Q1 And... you don't know the boys name?
46

1 A1 Huh-uh. I think he's in uh... either tenth or ninth grade I think he-
2
3 Q1 Is there anything else you can think about this incident that I haven't asked you
4 that you think is important for me to know for my investigation?
5
6 A1 Um... just that when we were walking to the Dean's office after she called the
7 Dean um she was making it seem like I fought her. And that I messed up her clothes and
8 stuff like that, and I was like I didn't do nothing, I didn't do none of that. You caused that
9 on yourself.
10
11 Q1 Now when you say you resisted. Were you just not putting your hands behind
12 your back or what do you mean by resisting?
13
14 A1 Yeah I wasn't-
15
16 Q1 (overlaps)
17
18 A1 I wasn't putting my hands behind my back like I was just- I wasn't-
19
20 Q1 Tensed up or- uh you didn't like hit her with your elbows or anything like that?
21
22 A1 No. I'm really not the violent type of person.
23
24 Q1 Okay. The time is now approximately five twenty-three p.m. and that will
25 conclude this interview thank you [REDACTED]
26
27 END OF INTERVIEW

G

1 TRANSCRIBED INTERVIEW OF
2 OFFICER CINDY SNOOK
3
4
5

6 Date of Interview: March 6, 2014
7

8 Interviewer: Sergeant Scott Mostert (Q1)
9

10 Interviewee: Officer Cindy Snook (A1)
11

12 Also Present: Mike Scuderio , PBA Representative (A2)
13
14

15 Investigation Number: IA 2013-024
16
17

18 Q1 I'm Sergeant Scott Mostert of the Melbourne Police Department Internal Affairs
19 Unit. I'll be conducting the interview of Officer Snook of the Melbourne Police
20 Department. You should be aware that at this time you are on duty. You will be paid
21 overtime if applicable. Present during the interview are Sergeant Mostert, Officer Snook
22 and union representative Mike Scuderio of the Police Benevolent Association. This
23 interview is being conducted at the Melbourne Police Department headquarters building
24 located at 650 N. Apollo Boulevard, Melbourne, Florida 32935. This interview is in
25 reference to Investigation Number IA-2013-026. The date is March sixth, two thousand
26 fourteen. The time is twelve fifty-nine p.m. Officer Snook can I get you to raise your
27 right hand for me? Do you solemnly swear that the statement you're about to give will be
28 the truth, the whole truth, and nothing but the truth so help you God?
29

30 A1 Yes sir.
31

32 Q1 In compliance with your police officer bill of rights there are certain things you-
33 you should be made aware of before the beginning of this interview. The interview is
34 being recorded. Officer Snook if you understand these, if you'll initial by each one of
35 them as I read them. The complaining party in this matter is Deputy Chief Renee Purden.
36 The lead investigator for this investigation is Sergeant Scott Mostert of the Internal
37 Affairs Unit. You have the right to review the complaint packet and any evidence
38 obtained by the investigator before the beginning of this interview. Have you had the
39 opportunity to do so before this interview?
40

41 A1 Yes sir.
42

43 Q1 Are there any witnesses that you know of that have not been interviewed during
44 this investigation?
45

46 A1 No sir.

1 Q1 If you'll write no and yes there and initial please. This complaint concerns an
2 allegation that you violated the following Department General Orders 1.2- 1.2 Role and
3 Authority, 26.2 Professional Conduct 83.1 Crime Scenes and Evidence, specifically 1.2.3
4 Legal Constraints, 26.2.23 Professional Competence, 26.2.32 Omissions and 83.1.8
5 Initial Officer Responsibilities. Has anyone at any time threatened, coerced or promised
6 you anything in order to induce you to make a statement now?

7
8 A1 No.
9

10 Q1 Unless waived by you, there will be only one interrogator during this interview.
11 Do you waive the right?

12
13 A1 No.
14

15 Q1 If you'll write no on both of those and initial please, the investigation concerns
16 administrative matters only and cannot be used as evidence in any criminal proceedings
17 against you except for Florida State Statue 837.02 Perjury and Florida State Statue
18 837.06 False Official Statements. You have a right, to have a right to have council and or
19 representation of your choice present with you during this interview or you may waive
20 this right, do you waive this right?

21
22 A1 No.
23

24 Q1 If not is your chosen representative present?

25
26 A1 Yes.
27

28 Q1 And Mr. Scuderio can I get the your name for the record please?

29
30 A2 Mike Scuderio, Coastal Florida PBA.
31

32 Q1 You will be asked questions specifically, directly, and narrowly related to the
33 performance of your official duties or fitness for office. If you refuse to answer questions
34 truthfully relating to the performance of your official duties or fitness for duty you will be
35 subject to departmental discipline up to and including termination. And Officer Snook, if
36 you can sign and date right there it is March sixth. Officer Snook on November fifteenth,
37 two thousand thirteen at approximately eight fifty-one a.m. you were involved in an
38 incident as a School Resource Officer at Palm Bay High School involving a [REDACTED]
39 [REDACTED] in which Ms. [REDACTED] was subsequently arrested by you, do you recall this
40 incident?

41
42 A1 Yes sir.
43

44 Q1 Can you tell me what you observed, what actions you took and the reasons why
45 you took certain actions uh during this incident.
46

1 A1 Do you want me to tell you what happened that day, that morning?

2
3 Q1 Yes, what you observed-

4
5 A1 Leading up to the arrest?

6
7 Q1 Whatever you observed-

8
9 A1 Okay.

10
11 Q1 And whatever happened and then whatever action you took.

12
13 A1 Um.. at... approximately I don't know eight fifty in the morning, it was after the
14 bell had- the last bell had rung, which was at eight forty-five uh I observed after leaving
15 the cafeteria area, from my morning breakfast student duty uh... I observed uh... the
16 student who was later known to be [REDACTED] uh in the hallway with her headphones
17 and her music heard. Uh... the bell had rung, and once the bell rings there- that's a
18 disruption of the classroom. That's a disruption of um learning. So I instructed her to uh
19 put away her stuff and go to the Dean's office. Uh, she refused to do that. Uh I continued
20 to ask her to put away her things. Uh she didn't want a put away her things. She
21 continued to walk... uh... in a easterly direction and then made a turn heading south,
22 which turned her in front of the auditorium. Uh, I continued to- I was behind her in that-
23 in the easterly direction speaking to her. Uh and then once she made the turn to... the
24 southern direction in front of the auditorium uh by building nine I was able to get up to
25 the side of her, again asking her to go to the Dean's office because she didn't want a
26 comply with putting away her headphones. Uh and she didn't want to do what she was
27 asked to do. Uh... so I asked her again, you know go to the Dean she said no I'm not
28 going to the Dean's, I'm going to class. I said you need to go to the Dean's office. I'm
29 not going to the Dean's office I'm going to class. Uh... I... numerous times asked her to
30 go to the Dean's office; uh I was walking side by side by her side. Uh... I had my keys
31 and my lanyard in one hand and with the other hand I reached out and I tapped her on her
32 wrist and I said- redirected her to go to the Dean's office. At the time she pulled back her
33 arm and went to swing towards me that's when I grabbed her arm, I went to grab her arm
34 and she immediately began pushing me and shoving me uh... and there was a- a struggle
35 there. Uh I still had my lanyard in my hand and I was unable to grasp her very well. She
36 was just wiggling away and latterly pushing me uh... to the fact that my- my microphone
37 was hanging off. My name plate was hanging, it was holding on by one piece, uh she
38 threw her bag down... uh... I continued to ask her... to stop. She- she didn't want a hear
39 anything I had to say. Uh she threw her bag down at my feet and she... walked away.
40 Uh... I continued to ask her to stop. And she did not listen. She continued to walk away u
41 and then she went back into that... she made the left and was heading back westbound
42 again, through the school campus. That's where I was able to catch up with her and place
43 her in cuffs and take her into custody.

44
45 Q1 And then what- where did you take her next?

46

1 A1 To the Dean's office.

2
3 Q1 And what happened in the Dean's office?

4
5 A1 Uh... I advised- well I- I contacted on the radio when- during- after the struggle I
6 contacted on the radio for assistance to Dean Rubick who would normally be at the other
7 end of that tunnel area or at the bus loop. The bus loop is his duty in the morning. Uh...
8 and asked for his assistance. He came uh running to my assistance. At that point I was
9 able- I was already getting her in handcuffs when he got there. Uh and her- he and I then
10 escorted her. I had my hand on her in an escort position escorting with the cuffs to the
11 uh... Dean's office and placed her down in a seat in the Dean's office. Uh... and... uh...
12 it was- it was a lot you know, it was a lot going on at that time. I ha- I was trying to put
13 myself back together, gain my composure because I- I look like I had- I looked like I had
14 been beat up, not with any physical you know but looking in my- I looked like I had just
15 come out of a fight. Uh and... I... contacted the Principal, advised the Principal of the
16 situation. Uh spoke to let- you know Dean Rubick know exactly what was going on.
17 Uh... because he didn't know what was going on. He just knew I had called for his
18 assistance.

19
20 Q1 Right.

21
22 A1 Uh... I contacted uh... the Sergeant that was on duty for the south end and I
23 believe it was Sergeant Hopping uh because he had just gotten back from medical, think
24 he had his knee injury or something.

25
26 Q1 Okay.

27
28 A1 Uh and I explained to him the situation... uh... regarding battery LEO and that I
29 really- I really- personally I didn't want a arrest this young girl, uh but that's a Felony
30 so... uh... I would have much rathered her having some administrative consequence for
31 her action. Uh so I spoke to him, you know... and uh he said well let me get in touch with
32 a Watch Commander. He contacted Lieutenant Barnes is what he said and he called me
33 back and said Lieutenant Barnes said hook her up. Uh... I did not document that I spoke
34 to them in my report. And I didn't document it because... it's my responsibility to arrest
35 her uh based on what happened, but I wanted... being new in the school, just to run it by
36 someone else.

37
38 Q1 Okay.

39
40 A1 Uh... and then... I contacted her mother immediately. Uh... and then she was
41 transported to booking and then to JDC.

42
43 Q1 Okay. Did you see the video that we just reviewed a few minutes ago with Dean
44 Rubick uh on the morning of the- the incident occurred, in his office?

45
46 A1 Um, I believe so. I believe he had it on his monitor.

1 Q1 Okay, uh-

2

3 A1 I didn't review it with him, but I believe he had it up on his monitor.

4

5 Q1 Did you ask him for a copy of it?

6

7 A1 I honestly don't remember if I asked him for a copy. Uh, usually when there's any
8 type of incident in the school they will automatically submit- I will- I mean I could have
9 asked him that morning. Uh... there was- there was a lot going on that morning.

10

11 Q1 Sure-

12

13 A1 After this incident so... uh...

14

15 Q1 Whose responsibility is it for your case, your arrest case in obtaining all the
16 evidence for that?

17

18 A1 It's mine.

19

20 Q1 And in fact was that video ever placed into evidence?

21

22 A1 I did not place it into evidence and I don't know if it was placed into evidence. Uh
23 and I honestly don't- I don't remember if I- I didn't document that I uh asked for it, but I
24 could have- I could have very well because that is my normal case of duty to ask for...
25 the evidence to be uh submitted.

26

27 Q1 What grounds did you use for your initial placement of your hands on the student?

28

29 A1 Uh when I initially placed my hands on the student that was after she raised her
30 fist up to uh... to punch at me.

31

32 Q1 Okay, when you said you tapped her on the wrist to direct and guide her-

33

34 A1 Oh, to tap her... uh... I was redirecting her to that direction, just saying, you
35 know you need to go that direction.

36

37 Q1 Um, has Mr. Rubick, Dean Rubick spoken to you about placing your hands on
38 students for... school rules violations in the past reference to a male student or something
39 in the cafeteria?

40

41 A1 Not prior to this incident no.

42

43 Q1 Did you read Dean Rubick's statement?

44

45 A1 I did, I did and it was not prior to this incident it was after this incident.

46

1 Q1 Okay so this was the first time and then... you had a second incident where
2 evidently you touched a student where the school did not believe you should have
3 touched the student?
4

5 A1 That happened prior to this incident. Uh.. but no one had advised me of that prior
6 to this incident so I did not know- was not aware of that.
7

8 Q1 And you're aware of the school rules for use of force against students for rule
9 violations?
10

11 A1 What do you mean?
12

13 Q1 When can teachers and staff use force on a student?
14

15 A1 Uh... for pr- their protection or in an emergency of... threat-
16

17 Q1 Alright this say- this is the corporal punishment code of by laws and policies for
18 the Brevard County Schools. Instructional staff as well as support staff within the scope
19 of their employment may use and apply reasonable force and restraint to quell a
20 disturbance threatening physical injury to others, to obtain possessions of weapons or
21 other dangerous objects upon or within the control of the student, in self or for the
22 protection of persons or property. So your initial tapping on the wrist, what were your
23 reasons for- for touching the student? What legal ground did you have to tap that student
24 on the wrist?
25

26 A1 Just out of a courtesy to redirect her, I didn't grab her. Uh I didn't use any force
27 whatsoever. It was just to get her attention to say that direction. Uh... there was- there
28 was no grab. There was no uh forced used whatsoever.
29

30 Q1 You said that the music was audible from her ear buds.
31

32 A1 Uh-huh
33

34 Q1 Did she ever turn the music off while you were talking to her during that whole
35 time? That you recall?
36

37 A1 You know I honestly don't recall.
38

39 Q1 Uh... are you familiar with Florida Statute 877.13 Education Institutions or
40 School Boards penalty for disrupting the education environment? Are you familiar with
41 that statute?
42

43 A1 Uh-huh
44

1 Q1 Uh, did Ms. [REDACTED] knowingly interfere with the lawful administration or
2 functions of the educational institute or activity on school board property by violating this
3 rule?
4

5 A1 Yeah she was- she- her music was loud, right outside a classroom.
6

7 Q1 What charges did you file d- on your 923 against Ms. [REDACTED] do you remember?
8

9 A1 I filed uh Battery on a Law Enforcement Officer and Resisting with.
10

11 Q1 Why would you not also file 877.13 Disrupting the educational institute and
12 would that not give you a valid ground or reason to tap, touch or escort or take into
13 custody this student committing this second degree misdemeanor in your presence?
14

15 A1 Like I said before, I really didn't want to... arrest this student at all. I really didn't
16 want a arrest the student at all.
17

18 Q1 But you believe you- what she had done... would have constituted a violation of-
19 of this misdemeanor?
20

21 A1 Yes sir.
22

23 Q1 Is there anything else that you can think of that would be important for me and the
24 administration to know uh that I haven't asked you about this incident uh that you'd like
25 to- that- that you think is important?
26

27 A1 I don't believe so. Like I said I'm- I'm super proactive at the school, I care about
28 the kids and um it shows. Administration knows that, and they tell me every day how
29 much they appreciate what I do there.
30

31 Q1 Mr. Scuderio do you have anything to add or clarify?
32

33 A2 I- I was you almost took it right out of my mouth. I was gonna say is that one of
34 the things in that agreement calls for the Principal to request reassignments of officers if
35 they feel the need, has that happened?
36

37 A1 No sir.
38

39 Q1 Alright... time is now approximately one seventeen p.m. and that will conclude
40 this interview thank you Officer Snook.
41

42 END OF INTERVIEW